



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, WEDNESDAY, DECEMBER 2, 2009

No. 177

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, why is global security so difficult to achieve or sustain? Why is global security so needed and so desired? What do we mean when we say these words? How do we pray or even imagine what global security would look like?

So far, beyond our day-to-day world, the round of an agriculture cycle, the ordinary manufacturing routine, the busy swirl of business, economic free-fall, or the data of any computer, is the unimaginable picture of global security so impossible to communicate?

No wonder we are not sure what steps to take if we do not have a picture in mind. How do we pray, except to lay the words themselves before You, O Lord, as if it were Your problem or of Your making and, so now, in need of Your healing power. To which part of the world's prayer for global security is any of us willing to say amen, Lord?

Yet deep down we know You know. We need global security. Help us, Lord, in word, in deed, in heart—at least in prayer, be united as we pray for global security and together say: amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### OUR PRESENCE IN AFGHANISTAN NOT WANTED

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Why are we still in Afghanistan? Al Qaeda's been routed. Our occupation fuels a Taliban insurgency. The more troops we send, the more resistance we meet. If we want to be truly secure, we need to redefine national security to include financial security, because America has record debt, skyrocketing unemployment, huge trade deficits, record business failures, and foreclosures.

The people of Afghanistan don't want to be saved by us. They want to be saved from us. Our presence and our Predator drones kill countless innocents, create more U.S. enemies, and destabilize Pakistan. The U.S.-created Karzai government is hopelessly corrupt, despised by Afghans. Our solution: provide them with a high-level U.S. minder, making him less legitimate. Another strategy: buy or rent friends among would-be insurgents. Give them cash and guns. When the money runs out, they shoot at U.S. soldiers.

We played all sides in Afghanistan—and all sides want us out. They don't want our presence, our control, our troops, our drones, our way of life. We're fighting the wrong war in the wrong place at the wrong time. What

part of "get out" do we not understand?

### CONDITIONAL COMMITMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, a war cannot be won from a podium, but it can be lost. Laying out our entire military strategy in Afghanistan for our enemies is not only unwise, but poses a significant threat to national security. Our enemies have proven to be patient and steadfast in their determination to wage war on democracy and freedom. The President will send more troops, but has shown his entire hand to the world.

Last night's premature announcement by the President of an arbitrary end date for withdrawal contradicts our commitment to winning the war on terror—no matter how long it takes. It reaffirms our enemy's belief that America will lose its will to win. It seems our policy in fighting the war in Afghanistan is the surge-and-retreat plan. Success should be the mission, not "get out of Dodge" on a certain date.

Nowhere in history has a nation told its enemy that commitment would be for a set period of time and then the struggle would be abandoned. The President has said he wants to avoid another Vietnam, yet he has reintroduced the Vietnam syndrome of conditional commitment to America's cause.

And that's just the way it is.

### JOBS AND THE ECONOMY

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today to address the issue of key importance for my constituents:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H13389

jobs and the economy. I'm proud of the work that Congress has done to bolster the economy and create new jobs across our country. In Ohio, we continue to see new funds awarded and released every week. Communities across the State and my district have been positively impacted by these funds. To date, over \$225 million of recovery funds have been announced to counties I represent along the Ohio River, ranging from improvements in technology investments to education funding, substantial things for our future.

Just last week, \$75 million in recovery money was announced in Ohio. These funds include \$8.6 million for water projects in 10 of my 12 counties. That investment represents jobs for our workers and clean water for our residents. I'm proud to work for the results that these investments have accomplished. With more than half the money to be spent, I look forward to more of these improvements throughout the State of Ohio as we put America back to work.

#### HONORING MIAMI-DADE POLICE DIRECTOR ROBERT PARKER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. I rise today to extend my sincere thanks to a distinguished south Floridian and a faithful public servant, Miami-Dade Police Director Robert "Bobby" Parker. After 33 years of serving our community, it is truly with great sadness that we see such a fine and dedicated police officer retiring.

In 2004, Bobby's long and successful career with the Miami-Dade Police Department culminated in the directorship of the department. Under his leadership, the department saw the implementation of unique and cutting-edge programs such as the Mortgage Fraud Task Force and the Gun Bounty Program. Bobby's foresight and hard work have consistently had a profound and positive impact on all of south Florida. He has always made his greatest efforts for the benefit of others and will be greatly missed by both the department and our community.

It is with pleasure that I join Bobby's family, friends, and peers as they honor the many accomplishments of his outstanding career. Bobby's lasting legacy will certainly be inspiring to countless officers to match his selflessness and performance.

I thank my good friend, Miami-Dade Police Director Bobby Parker, for all that he has done for our community in south Florida, and I truly wish him all the best in his years to come.

#### BRINGING A STRONG JOBS BILL

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, since our economy bottomed out in

late winter and Democrats took bold and decisive action, the stock market has risen 4,000 points and America experienced its first positive GDP growth in 15 months. But more can be done and more must be done.

So as we recover from one of the most severe recessions in our Nation's history, Democrats will focus on helping Americans on Main Street, not Wall Street. We will build upon the momentum we have created for positive growth in our economy and bring to the House floor strong legislation to create jobs. American families are depending on their leaders to focus their attention on job creation and make the difficult decisions necessary to curb employment and begin growing our job force once again. Americans expect nothing less, and House Democrats are committed to bringing to the floor a strong jobs bill and work to turn around our Nation's economy.

#### HONORING KEVIN LEE MITCHEM OF MATHEWS COUNTY, VIRGINIA

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. I rise today to pay tribute to Kevin Lee Mitchem. Kevin Mitchem was a proud Mathews County resident and a fervent supporter of public education, and he was committed to lending his time and knowledge to youth in the community. Kevin was a devoted husband to his beloved wife, Sara, and a dedicated father to their two children, Rachel and Daniel. As the owner of Mitchem Seafood, Kevin was a staunch supporter of watermen and the seafood industry.

At the time of his passing, Kevin Mitchem was the chairman of the Mathews County Board of Supervisors, and prior to the chairmanship he served for 12 years as a board member. Additionally, he served on the Middle Peninsula Planning District Commission.

Kevin was deeply involved in his community and dedicated much of his time and effort to serve the residents of Mathews County. Kevin Lee Mitchem was a true friend to all who knew him and will be greatly missed. He touched many people's lives and the work that he did for his community will never be forgotten. My thoughts and prayers are with his family and friends.

#### JOBS SUMMIT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Recently, a single parent in my district called my office for help. He lost his good-paying job and the health benefits that went with it. Sadly, he is not alone in this problem. More Americans than ever before are losing their jobs, their livelihood, and their homes. In California, the unemployment rate is 12 percent. In my area, the Inland Empire, unemploy-

ment is a staggering 14 percent. We continue to have one of the highest rates of foreclosure in the Nation. The hardworking men and women in my district and throughout the Nation deserve a good-paying job; quality, affordable health care; enough food to put on the table; and a good quality of life.

I commend President Obama for hosting a jobs forum. We need to create jobs so that people can put food on the table and keep their homes and live the American Dream. Instead of pointing fingers and calling names, this is a time when we all need to be working together to find real solutions in creating jobs for the American people right here in the United States and not outsourcing those jobs outside of here.

For my part, I will host a jobs summit to hear from the private industry, nonprofit organizations, and labor organization and educators.

#### DISPELLING HEALTH CARE MISINFORMATION

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. I need to dispel some of the misinformation that's been put out about the health care bill that we passed in this House. For one thing, some have said, Well, States require you to have insurance on your car, so of course we can mandate that people buy health insurance. The bill we passed is not going to provide health insurance. It's going to mandate—it does mandate—that you buy it, and if you don't, if you're above the poverty line, it won't be provided. In fact, you have an extra income tax if you don't buy the Cadillac insurance the government mandates.

If you want to know about the comparison, first of all, to States requiring car insurance, not one single State in the country requires that a car—your own car—be insured. They require that you buy insurance to ensure against hurting another car or damaging another car. This is a whole different thing. We're mandating that you buy insurance on your own car, your own vehicle, your own body. And that's not constitutional.

#### WIDER WAR NOT A PATH TO PEACE AND SECURITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, I agree with so much of what President Obama said last night, but not so much what he would do. The path to peace and security will not be found through a wider war. Troop escalation by 40 percent, then de-escalation, all within 18 months, is totally unrealistic. We have been fighting in Afghanistan on the installment plan: a few more troops, a few more months, and many more billions. 2011 will not mark the

end of this war. It will just mark the beginning of the next installment in what is a deteriorating 8-year war whose elusive end is always just over the horizon.

The better exit strategy is to have fewer troops. With some allies already preparing to depart as we expand, most of the blood spilt will remain American. We should honor the sacrifice of those courageously serving by putting fewer of them in harm's way. It shouldn't take 100,000 Americans to defeat 100 al Qaeda. All this effort props up a corrupt Karzai government that just stole over a million votes. Afghanistan can consume as many lives and as many dollars as we're willing to expend there, and leave our families no safer.

□ 1015

#### STIMULATING OUR ECONOMY THROUGH ANOTHER JOBS BILL

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Madam Speaker, to form a government requires positive steps, and it is much less about what one is against than about what one is for. Who can forget that sense of free-fall in our economy last fall when we weren't sure, those of us who had money in money market accounts, that we were going to get 100 pennies back on the dollar that we put into a bank. Who could forget the sense of free-fall in March or April when it wasn't clear where our economy was ever going to go?

But this Congress and the administration stepped up to the plate. We passed a stimulus bill that cushioned the loss of jobs and is beginning to bring jobs back. More than half the Recovery Act money is still going to be spent into our economy. We passed a new unemployment extension benefit that will take effect and cushion the blow for working families.

But American families that have lost their jobs know that we need to do more, and we are going to do more. In contrast, Republicans have offered nothing. They voted "no" on creating jobs. We are going to say "yes," and we're going to pass another jobs bill and stimulate our economy.

#### ENFORCE TRADE LAWS TO SAVE JOBS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Madam Speaker, many hardworking Americans are losing their jobs because of this recession. We must use every tool in our arsenal to help stop the loss of jobs and put Americans back to work.

Yesterday, I testified in front of the International Trade Commission, urging them to strictly enforce our antidumping and countervailing duty laws

to protect American workers against unfair subsidies of steel tube products from China.

My constituents depend upon the ITC to enforce our laws and ensure that our trade partners play fair. As we look for more ways to create and save jobs, it is imperative that both the Congress and the Federal Government remain vigilant in our enforcement of our strong trade policies. We cannot allow any foreign producer to have an unfair advantage over U.S. workers. We owe it to our constituents to protect their jobs and enforce the laws that we have on the books.

#### CREATE JOBS BY CUTTING TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. I get a big kick out of my Democrat colleagues, for whom I have the highest respect. They're talking about how they're going to come up with a jobs bill. They've increased the debt this year by \$1.4 trillion. They're pushing through a health care bill, trying to ram it through, that's going to cost \$1 trillion to \$3 trillion. They're trying to push through a cap-and-trade bill that's going to cost millions of jobs. And now, because they're worried about whether they're going to get reelected or not, they're coming down here and saying that they're going to come up with another jobs bill.

What that means is another stimulus bill. The first stimulus bill did not work. It cost over \$1 trillion when you include interest, and now they're going to do it again. The way to create jobs is to take the heavy weight off the back of the American people by cutting their taxes and cutting business taxes like John F. Kennedy did and like Ronald Reagan did. If you do that, you'll start seeing economic recovery—but not by blowing more money.

#### THE STIMULUS PLAN IS WORKING

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, despite mountains of evidence to the contrary, our Republican friends persist in saying "Bah, humbug" whenever you talk about the stimulus effect. In fact, my constituent, Senator MITCH MCCONNELL, yesterday on the Senate floor called the Recovery Act a failure.

Well, obviously he has been too busy obstructing the work of the Congress to go home and see what's happening in his own community, because he ought to tell the people at GE's Appliance Park that it's a failure when 400 new jobs are coming back from China because of stimulus money; or the hundreds of people who are now working on renovating our interstate system, \$30 million worth of work, courtesy of the American Recovery Act; or the 80

people who will be employed at the new maintenance center; or the 150 teachers who are still in the classrooms in Jefferson County Public Schools because of Recovery Act dollars.

Yes, we have plenty of work to do. There are too many people that are out of work, and we are committed to doing that, instead of saying, Bah, humbug, no, no, we won't do anything. That's the message we're getting from the other side, but we will continue to work for the American people.

#### NATIONAL EPILEPSY AWARENESS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, there is a condition in this country that affects more than 3 million people and sees 200,000 new cases every year; 25 percent are children. It's epilepsy. It's the third most common neurological disorder after Alzheimer's and stroke. The cause is unknown in two-thirds of epilepsy cases. It can develop at any age. It can be a result of genetics, stroke, head injury, and other factors.

Earlier this year, I met a spirited 9-year-old from my district. Since the age of 7, Chad has been living with epilepsy and faces daunting challenges in school because of various misconceptions. Despite major progress in diagnosis and treatment, epilepsy is often misunderstood and overlooked. Contrary to belief, it is not contagious. Some believe epilepsy is curable with medication or treatment when, in fact, over 30 percent of patients suffer uncontrollable seizures despite treatment.

This is why raising awareness is so important. It will dispel myths and empower millions affected by this condition. I urge my colleagues to support further research, awareness, and education as we work together to find a cure for epilepsy.

#### A NATIONAL HOME RETROFIT PROGRAM WILL CREATE JOBS NOW

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, America faces two very serious challenges today. The first is an economy that continues to struggle. Too many Americans who want to work are out of work. The second is an energy policy that is failing. It's not clean, it's not sustainable, and it's not affordable. We can address the jobs issue by taking on the challenge of a clean energy economy. We can create jobs. We can save homeowners money on their energy bills, and we can reduce our contribution to climate change. We can do that by investing in a national energy efficiency retrofit program.

Recently, 44 of my House colleagues and I wrote to President Obama, urging him to act now, to use his existing authority, to use already appropriated stimulus funds to build a national home retrofit program that will create jobs. Some call it Recovery Through Retrofit. Some call it Cash for Clunkers. I call it a sure-fire way to create jobs, and to create them now.

#### JOBS AND THE ECONOMY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, Democrats have been focused on helping Main Street, not Wall Street, and momentum continues to build for additional job creation legislation. The Republicans created one of the worst recessions in history and did very little to help a recovery. The Republicans exacerbated the bad economy with tax cuts that favored the wealthy and did very little to help working people. Democrats acted to save the economy from falling apart, to facilitate a recovery and to put people to work.

We will build on the work we have done so far to create and save jobs and get this economy moving. More than half of the Recovery Act still must be spent into our economy, boosting it in the short term and laying a new foundation for long-term prosperity. New extensions of unemployment benefits have been taking effect that will inject demand into the economy. The first-time home-buyer tax credit, which has been extended, will be renewed in less than 2 weeks.

#### TIME TO END THE WAR IN AFGHANISTAN

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Madam Speaker, \$2.5 billion—that's my State's share of the wars we've been fighting for the last 8 years, and now this country is being asked to spend another \$30 billion a year to send more troops to Afghanistan. It's too much, Madam Speaker, for a war that just isn't working.

At a time when we are struggling to put Americans back to work, we just can't afford to escalate a war that we need to be winding down. At a time when we have asked our men and women in uniform to return to combat again and again, we cannot afford to send them back one more time to fight to protect a government that is now considered the second most corrupt on Earth. At a time when we are working to bring affordable health care to every family in this country, we just can't afford to spend \$1 million per soldier to occupy a country that doesn't want us there.

Don't be mistaken, Madam Speaker. When we need to protect our vital national interests, there is no cost too

great, and the greatest Armed Forces in the world will rise to meet any challenge. But this is not the time to pay that price. This is a time to end this war and bring the troops home.

#### SUPPORT FOR SENDING MORE TROOPS TO AFGHANISTAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. After months of deliberation, the President announced yesterday his decision to endorse a request for reinforcements by our commanding officers in Afghanistan, and I support his decision. By calling for a surge of forces in Afghanistan, President Obama is embracing the counterinsurgency strategy that succeeded in Iraq and, if given a chance, will succeed again. The war in Afghanistan is a war of necessity. A decisive victory over the Taliban and al Qaeda must remain our unchanging objective.

Now while reinforcements are critical to achieving victory, the morale of our troops and the unequivocal support of those at home is also important. Our brave men and women in uniform need to know that those who send them into battle will stand by them until the battle is won. Congress should resist the temptation to impose artificial timelines for withdrawal or benchmarks, as they only demoralize our troops and embolden our enemies. Telling the enemy when your commitment to fight will run out is a prescription for defeat.

Congress should also reject any effort to pass a tax increase on the backs of our soldiers. Levying a war surtax at a time of runaway Federal spending is an insult to our men and women in uniform.

#### THE NEW CONGRESSIONAL TASK FORCE ON JOB CREATION

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, with unemployment at a record high in southern Nevada, it's critical that we focus our efforts on creating good jobs that will put Nevadans back to work. That's why I'm proud to have recently joined the new Congressional Task Force on Job Creation. This working group will collect innovative ideas and formulate legislation that will put people back to work across the country and get our economy moving again.

This effort is especially critical to strengthening our economy in southern Nevada. Creating jobs locally will require innovation in Nevada's growing industries, such as renewable energy, and perhaps a high-speed train, as well as building a stronger national economy that puts money back in the pockets of potential visitors who will come to Nevada and boost our travel and tourism industry.

I look forward to joining my colleagues on this task force in the coming weeks to find real solutions that will create jobs for Nevada and the rest of the country.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### RECOGNIZING THE EXEMPLARY SERVICE OF THE 30TH INFANTRY DIVISION DURING WORLD WAR II

Mr. KISSELL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 494) recognizing the exemplary service of the soldiers of the 30th Infantry Division (Old Hickory) of the United States Army during World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 494

Whereas the 30th Infantry Division of the United States Army was first activated in October 1917 and originally consisted of National Guard units from North Carolina, South Carolina, Georgia, and Tennessee;

Whereas the 30th Infantry Division was nicknamed Old Hickory in honor of General and President Andrew Jackson;

Whereas, when the 30th Infantry Division was reorganized at Fort Jackson in 1941 for service in World War II, the division included two North Carolina National Guard infantry regiments, one Tennessee National Guard infantry regiment, and other elements;

Whereas, during World War II, the 30th Infantry Division landed at Normandy on June 14, 1944, participated in the advance across Northern France, joined the invasion of the German Rhineland, defended the Ardennes-Alsace, and fought to the final defeat of Germany in May 1945;

Whereas the 823rd and the 743rd Tank Destroyer Battalions were periodically attached to the 30th Division throughout its campaign in Europe;

Whereas the 30th Infantry Division played a key role in the breakout of the Allied forces from Normandy at St. Lo and the subsequent advance across Northern France;

Whereas the 30th Infantry Division is remembered for its role in the defense of Mortain and St. Barthelmy, France, and Hill 317 against a German counterattack in August 1944, actions in which three infantry regiments of the division (the 117th, 119th, and 120th) and a part of a fourth regiment and other elements of the division participated;

Whereas the 30th Infantry Division also played a key role stopping the German advance in the Battle of the Bulge and recaptured Malmedy and Stavelot and its vital bridge over the Ambleve River;

Whereas, in the report prepared for General Dwight D. Eisenhower rating the American combat units that fought in the European Theater, the Army's official historian,

S.L.A. Marshall, rated the 30th Division as first among the infantry divisions that had performed the most efficient and consistent battle service, writing that "It was the combined judgments of the approximately 35 historical officers who had worked on the records and in the field that the 30th had merited this distinction. It was our finding that the 30th has been outstanding in three operations and we could consistently recommend it for citation on any of these occasions. It was further found that it had in no single instance performed discredibly or weakly when considering against the average of the Theater and that in no single operation had it carried less than its share of the burden or looked bad when compared to the forces on its flanks. We were especially impressed with the fact that it consistently achieved results without undue wastage of its men.";

Whereas, in recognition of its exemplary service during World War II, the Headquarters Company of the 30th Infantry Division was awarded the Meritorious Unit Commendation and the French Croix de Guerre; and

Whereas the proud fighting tradition of the 30th Infantry Division is perpetuated by the 30th Armored Brigade Combat Team, North Carolina Army National Guard: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the exemplary service of the soldiers of the 30th Infantry Division of the United States Army during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. KISSELL) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. KISSELL. Madam Speaker, I request unanimous consent for Members to have the usual 5 days to extend and revise their comments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KISSELL. Madam Speaker, I yield myself such time as I may use.

I rise today with strong and enthusiastic support for House Resolution 494. This resolution honors the history of the 30th Infantry Division of the United States Army, a division that was founded in 1918 during World War I and extends until today with its service in Iraq as we currently speak. I also especially want to point out a particular time during August of 1944 when the 30th Infantry Division was engaged in a battle in Mortain, France, a battle that proved to be pivotal in our securing the invasion of Normandy and a battle which the 30th Division, for whatever reason, has not fully received the credit for their bravery and the dedication they showed.

□ 1030

The infantry division that we call the 30th was originally manned by mostly National Guard folks from North Carolina, South Carolina, Georgia, and Tennessee. They took on the nickname of President Andrew Jackson and called themselves the "Old Hickory" Division, a nickname which they maintain today.

This division was reactivated prior to World War II and served from the invasion of Normandy in which the 230th Field Artillery of the 30th Division came ashore on Omaha D-day-plus-1. The rest of the division came ashore D-day-plus-2. The units were reunited and fought almost continuously in the days and weeks that followed our invasion of France.

In August of 1944, the much-anticipated German counterattack developed, and the Germans attacked in or near a town, Mortain, France, a place where the 30th Division was at that point protecting our lines.

The generals from Eisenhower on down, the Allied generals, had grown concerned that we were not moving quickly enough to secure the area of Normandy around our invasion beachheads in a way that we could expand throughout France the way that we had anticipated and wanted. The German counterattack thus came with a certain amount of concern: Would we be able to withhold and protect the land that we had already captured? But it also came with a certain amount of opportunity, because if we could hold off this counterattack, then it would create an opportunity for us to outflank the German Army, a maneuver that would eventually be called the St. Lo Breakout. It all depended upon if the 30th Division, the Old Hickory, could hold.

And the 30th Division, taking on the multiple panzer divisions of the German Army, did hold. They scattered into individual units and fought bravely for almost a week. They fought as our American soldiers have fought in the past. They fought bravely and were dedicated against great odds, but they held. And General Bradley was able to send General Patton on the flanking maneuver once again known as the St. Lo Breakout that once and for all secured our beachhead and launched us across France toward the end of World War II.

Eisenhower's chief historian, S.L.A. Marshall, called the 30th the "most efficient fighting division in Europe." The German Army paid the 30th a great compliment in referring to them as "Roosevelt's S.S."

It's for these reasons that we want to honor the 30th and its history and especially to draw recognition to the battle of Mortain, France, a time in which the 30th held in a most important time period for our invasion to be successful and secured.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in strong support of House Resolution 494, which recognizes the service and sacrifices of the members of the 30th Infantry Division during World War II. And I want to commend Representative LARRY KISSELL of North Carolina for sponsoring this legislation, for his

leadership, and for his deep passion concerning the members of the 30th Infantry.

The 30th Division was a National Guard division made up of men from several States, with many initially coming from North Carolina and Tennessee. These citizen soldiers established a remarkable record in Europe during the operations from 1944 through the end of the war in May of 1945.

So outstanding were their achievements that military historians of the day judged it to be the first among infantry divisions that had performed the most efficient and consistent battle service, achieving results without undue wastage of the lives of men who served in the 30th.

The commitment of the men of the 30th Division to make the sacrifices necessary to finish the mission to defeat an obvious threat to freedom and the security of the world should serve as an example and inspiration to us today. The Nation provided these men the resources necessary to win the war to which they were committed. And our soldiers, sailors, airmen, and marines have made the same commitment to this Nation today. We must heed the lessons to be learned from the 30th Division and today fully support our troops and their families with the resources necessary for them to finish the job in the wars America is fighting today.

I urge every Member to support this resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KISSELL. Madam Speaker, I thank my colleague from Virginia for his support and remarks.

The 30th Division, after its historic stand at the battle of Mortain, fought its way into Belgium in the heavy fighting that took place before the Battle of the Bulge. They fought in the Battle of the Bulge. They crossed the bridge at Remagen, and they shook hands with the Russians on the Elbe River at the end of the war.

The 30th Division has returned to its National Guard identification, centered mostly once again in North Carolina. The 30th, as I mentioned before, is currently in Iraq on its second tour of duty of service to this Nation. So the great tradition of the 30th, the Old Hickory Division, that began during World War I continues today as these troops, men and women, serve our Nation.

Madam Speaker, on a personal note, I would like to add that my father, Richard Henry Kissell, was a sergeant in the 30th Division. He joined the Army in the early part of 1941, and he was with the 30th all the way through. As a member of the 230th Field Artillery, he stepped ashore on the beaches of the Omaha D-day-plus-1, and all of the battles we talked about, my father was there.

But he was just one of many that served our Nation in the 30th and all

the other forces during World War II that we call the "Greatest Generation," that came back and did so much to make this Nation the great Nation that it continues to be today.

So it is with great pride and enthusiasm in noting the aspect of the 30th Division and its relation to not only my State, to my family, but to the Nation that I encourage all my colleagues to join in voting for House Resolution 494 honoring the 30th Division.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the resolution, H. Res. 494, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KISSELL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONGRATULATING THE SAILORS OF THE UNITED STATES SUBMARINE FORCE

Mr. KISSELL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 129) congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 129

Whereas the Sailors of the United States Submarine Force recently completed the 1,000th deterrent patrol of the Ohio-class ballistic missile submarine (SSBN);

Whereas this milestone is significant for the Submarine Force, its crews and their families, the United States Navy, and the entire country;

Whereas this milestone was reached through the combined efforts and impressive achievements of all of the submariners who have participated in such patrols since the first patrol of USS Ohio (SSBN 726) in 1982;

Whereas, as a result of the dedication and commitment to excellence of the Sailors of the United States Submarine Force, ballistic missile submarines have always been ready and vigilant, reassuring United States allies and deterring anyone who might seek to do harm to the United States or United States allies;

Whereas the national maritime strategy of the United States recognizes the critical need for strategic deterrence in today's uncertain world;

Whereas the true strength of the ballistic missile submarine lies in the extremely talented and motivated Sailors who have voluntarily chosen to serve in the submarine community; and

Whereas the inherent stealth, unparalleled firepower, and nearly limitless endurance of

the ballistic missile submarine provide a credible deterrence for any enemies that would seek to use force against the United States or United States allies: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) congratulates the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; and

(2) honors and thanks the crews of ballistic missile submarines and their devoted families for their continued dedication and sacrifice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. KISSELL) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

#### GENERAL LEAVE

Mr. KISSELL. Madam Speaker, I request unanimous consent for Members to be able to extend and revise their remarks during the next 5 days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KISSELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is with great enthusiasm that I rise in support of House Concurrent Resolution 129, and I want to thank Representative DICKS from Washington for his work in bringing this resolution to the floor. It is an opportunity for us as a House of Representatives to congratulate the Navy and the sailors of our ballistic submarine fleet upon the completion of 1,000 missions, that's 1,000 missions of deterrence and protecting our Nation. This silent service, the Ohio-class submarine, the highest of technology, the greatest of sailors, and the most stealthy of operations, has been in service protecting our Nation since the first cruise of the USS *Ohio* in 1982.

This is not an easy service. Only 5 percent of all our sailors are qualified to serve in our ballistic submarine fleet. The highest of technologies and the advancements that we have seen as a Nation are represented in this classification of service also.

Often times, our sailors are on duty for 77 or more straight days and they come back then to work 35 days of maintenance. It puts a tremendous burden upon them. But, once again, these are the highest qualified of individuals that you can find, because when they are on their ship, they have to have the knowledge of the technology to the most minute of details to be able to service the ship as needed and to complete the mission. And they have an A-plus rating for these years of service during the 1,000 missions that they have brought to us.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to share my colleagues' congratulations to the sailors of the United States Navy's Submarine Force following the completion of the 1,000th Ohio-class ballistic missile submarine deterrent patrol. This is no small feat and has been made possible only through the combined efforts of our dedicated sailors, the talented civilians employed at the Trident Refit and Weapons Facilities, the disciplined workforce of the naval reactors, and the industrial base that has delivered such reliable submarines and Trident missile systems.

The ballistic missile submarine, or SSBN, is the critical third leg of our nuclear triad, and in many ways this capability is the most stealthy, delivering unparalleled firepower and near limitless endurance that poses a significant deterrent to potential aggressors armed with nuclear weapons. Likewise, our allies have relied on the shield provided by our ballistic missile submarines, which can operate unmolested in virtually any part of the world.

Yet this deterrent capability comes at a significant personal cost to the Submarine Force, its crews, and their families. Since the first patrol of the USS *Ohio* in 1982 through today, these families have endured long periods of noncommunication with their loved ones and tense waiting for their safe return.

Therefore, despite the extraordinary technological achievement and reliability epitomized by the SSBN, the true strength of the ballistic submarine lies in the extraordinarily talented and motivated sailors who have voluntarily chosen to serve in the submarine community and are among the most highly skilled, educated, and trained war fighters in the U.S. military.

Today we thank and honor the crews of the ballistic missile submarines, the civilian and industrial workforces that strive to preserve the submarines' reliability and technological superiority, and the devoted families of the Submarine Force for their continued dedication and sacrifice.

Finally, I would like to thank all of my colleagues who cosponsored this resolution, especially Representative DICKS of Washington for drafting this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. KISSELL. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Madam Speaker, I introduced this resolution, H. Con. Res. 129, to recognize the achievements of the U.S. Submarine Force for the completion of the 1,000th Trident strategic deterrent patrol earlier this year. It is fitting that we take a moment to recall the sacrifices made by these submariners and their families to defend our freedoms and protect our way of life.

□ 1045

For over 27 years, Ohio-class ballistic missile means, or SSBNs, have been our most survivable form of deterrence. As a result of the commitment to excellence by everyone associated with the SSBN program, our strategic missile submarines have always been ready and vigilant, reassuring our allies and deterring those who might seek to do us harm. Our ballistic missile submarines provided essential deterrence during the Cold War, and their contributions will forever be a part of our Nation's history. Today, these elite submarines remain on the front lines of freedom. Through their silent patrols, they will preserve peace for many years to come.

The success of the Trident program and the protection it continues to provide is a result of the sacrifices of a broad array of organizations and individuals: the submarine industrial base, which provides the advanced technologies and highest quality equipment for these ships; the maintenance facilities and their technicians and engineers who work to a demanding timeline and under difficult constraints to keep these boats ready for sea; the submarine training facilities which ensure that our sailors are trained and ready to perform their missions under any circumstances; and not least, the sailors and their families who dedicate their lives to supporting our Nation. Their sacrifice year after year is a large part of our Nation's greatness.

Because I come from the Puget Sound region in the State of Washington, I have had the opportunity to watch the successes of the Trident submarine program from its inception. Back in 1972, the Navy decided that the Puget Sound would be the west coast home port for its newest class of strategic missile submarine, the Ohio-class submarines, the Ohio-class SSBN.

In August 1982, the lead ship, USS Ohio, arrived on the Bangor waterfront to start her operational life. Ohio was followed by seven more Trident boats, each taking up its responsibilities in this strategic defense of our Nation. Of the original 18 Trident SSBNs in the U.S. inventory, eight now call the Puget Sound their home and continue their crucial strategic deterrent role.

Additionally, after 24 years in operation, the first four SSBNs—Ohio, Michigan, Florida, and Georgia—have been converted into cruise missile submarines. Two of these platforms, Ohio and Michigan, continue their service from the Bangor submarine base in this new role. The remaining six Ohio-class SSBNs and two cruise missile submarines carry out their essential duties from the naval submarine base at Kings Bay, Georgia.

It is truly fitting that we recognize the achievements of our Trident submariners and their families over the past 27 years. We look to them to continue to build upon their legacy of excellent service to the United States in the years ahead.

I want to thank my colleagues, Mr. KISSELL, Mr. WITTMAN, who have joined me in supporting this resolution; and I urge all of my colleagues to support it with their votes.

I would just add one thing: this is such an important program—and I have been on the Defense Appropriations Subcommittee for 31 years—that we are now starting a follow-on to the Trident submarine program. And I can remember when we had great debates here in the House on whether we should do a B-2 bomber and whether we should have an MX missile. The one thing that we always understood is that the most survivable element of our strategic triad were these Trident submarines, and I commend Admiral Rickover and all of those who followed him for the great work that they did in inspiring these concepts, and it has been of great value to our country.

So I appreciate the gentleman from North Carolina yielding to me, and I appreciate you bringing this resolution to the floor. And I urge my colleagues to vote in favor of it. Thank you.

Mr. KISSELL. I would like to, at this point in time, thank my colleagues from Virginia (Mr. WITTMAN) and from Washington (Mr. DICKS) for their words about this resolution, the importance of this resolution.

This branch of service in the Navy, to the crews of the 14, these Ohio-class submarines, we offer our appreciation and thanks to the people that make it work, all of the listings of people that were given, but especially to the friends and the families of these crew members that, without them and their support for these crews, it would make this work extremely much harder than what it is already during the times of separation and trials that exist upon the families.

This branch of service remains strong. It is a clear deterrent to threats that our Nation may incur. We once again congratulate this branch of service on its 1,000th mission of deterrence and 1,000th successful mission.

I reserve my time.

Mr. WITTMAN. I yield myself such time as I may consume.

Madam Speaker, I would like to thank again Mr. DICKS from the State of Washington and his leadership and his vision especially as we progress from the Ohio-class of submarine to the next generation. He is certainly right, the Ohio-class has been an integral part of the triad of the defense of this Nation. It is critically important that we plan now for the next generation of submarine that will eventually replace the Ohio-class.

And I applaud his vision, his leadership in recognizing the importance of the Ohio-class but also the efforts that make sure that we have that next class that provides for the defense of this Nation.

And I'd like to thank Mr. KISSELL, too, for his leadership and his recognition of the importance of the Ohio-class submarine and also the impor-

tance of the next class of the replacement for the Ohio-class for the future defense of this Nation.

With that, Madam Speaker, I have no other speakers, and I yield back my time.

Mr. KISSELL. Madam Speaker, at this point in time I would like to encourage all of my colleagues to join in voting "aye" on H. Con. Res. 129 to honor the Navy once again and the sailors in the Ohio-class submarines, the silent service, for its great work and successful 1,000 missions.

I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 129.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KISSELL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MILITARY FAMILY MONTH

Mr. KISSELL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 861) supporting the goals and ideals of National Military Family Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 861

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times; and

Whereas the month of November, which includes the Veterans Day holiday, was declared by the President on October 30, 2009, to be Military Family Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Military Family Month;

(2) recognizes the sacrifices and dedication of military families and their contributions to the United States; and

(3) expresses the appreciation to the people of the United States who observed Military Family Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. KISSELL) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

#### GENERAL LEAVE

Mr. KISSELL. Madam Speaker, I request unanimous consent for Members to have 5 legislative days in which to extend and modify their remarks.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KISSELL. Madam Speaker, I yield myself such time as I may consume.

I would first like to recognize Congressman ROONEY from Florida for bringing this resolution to the floor. It is a very timely resolution and one that, while we recognize the importance of our military families all the time, we certainly want to have the opportunity to make it official, so to speak, for this Congress, this House of Representatives, to join in that recognition. So I thank Representative ROONEY for his efforts.

I also want to commend and thank President Obama for declaring November to be National Military Family Month as we support this resolution that will join in the goals and ideals that are set forth in this proclamation.

Madam Speaker, we know that our military families are dedicated but also face great challenges and difficulties. As our troops have faced repeated deployments and have gone back into the field more often than perhaps we would wish as they serve our country as we need for them to do, so much of the burden of this service falls back to the military family.

But the military families have responded in incredible ways. They unite around each other. They support each other. They help their single-parent families. They come together in a way not only to support themselves but to also support their family members that are deployed. It is not a surprise that this happens, because they are an extension of these men and women that serve our Nation so heroically.

So with this resolution, H. Res. 861, we simply want to recognize once again the work, the dedication, the sacrifice in how our military families come together and acknowledge this in a positive way from the U.S. House of Representatives.

I reserve my time.

Mr. WITTMAN. Madam Speaker, I yield to the gentleman from Florida (Mr. ROONEY) for as much time as he may consume.

Mr. ROONEY. Thank you, Mr. WITTMAN and Mr. KISSELL, for managing this bill and for Chairman SKELTON and Ranking Member MCKEON for supporting the National Military Family Month resolution.

This resolution is about supporting our military families. We rightly give due credit time and time again in this Chamber to our service men and women who wear the uniform, especially now in a time of war. But this bill goes a step further in recognizing the spouses and the parents and the children of those men and women who serve our country.

As a former Army captain married to another Army captain, my wife and I met so many families at just two of our duty stations at Fort Hood, Texas, and

West Point, New York. The people that we came to know in the military were truly the best people we've ever met. The sacrifice of seeing a loved one off to war and waiting the days and months for their return, sending letters, waiting in the middle of the night for a phone call or an email just to hear that they're okay; the sacrifice of moving time and time again and town to town and duty station to duty station when other families set down roots much earlier; and, finally, the sacrifice of a mom and dad seeing their child putting on a uniform for the first time and marching at graduation and the pride that they feel, and sometimes even the sorrow of receiving a flag that draped their child's casket, this resolution honors them, moms and dads, the spouses, the children.

I urge Members to support this, and thank you for yielding, Mr. WITTMAN and Mr. KISSELL, and for supporting this bill.

Mr. KISSELL. Madam Speaker, I once again thank Representative ROONEY for bringing this resolution to the floor. And all of the ideals that he expressed, I thank him so much for.

I've had the opportunity to speak with many of our soldiers; and to a person, they tell me that if they just know their families are being taken care of, what a relief that is for them to concentrate on the duty that we're asking for them to perform in wherever the mission might be.

So once again, I ask for support for the resolution for a National Military Family Month, and I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 861, which recognizes the goals and ideals of National Military Family Month. And I want to commend Representative TOM ROONEY of Florida for sponsoring this legislation.

Twenty years ago, the week of Thanksgiving was deemed Military Family Week as part of the Great American Family Project. And in 1996, with the support of the Armed Services YMCA, Military Family Week was expanded into Military Family Month. And Military Family Month seeks to recognize the sacrifices of our military families and the things they do for our Nation each and every day.

□ 1100

As we celebrate Veterans Day and Thanksgiving during the month of November, it is important that we celebrate the critical role of the military family.

During a time of extended conflict, it is imperative not only that we stop and take time to acknowledge the dedications and sacrifices made by our military families every day, but also that we pause to recognize the strength, commitment, and courage of the military spouse and children of our men and women serving today.

Whether deployed overseas or training at home, the families of our servicemen and -women are the foundation of our military and proudly represent a keystone in a strong national defense. Even though this resolution commemorates 1 month of recognition for our military families, I believe our military families should be praised every day for their selfless service to America. I urge Members to vote in favor of this resolution and American military families.

I yield back the balance of my time.

Mr. KISSELL. Madam Speaker, I join with my colleague from Virginia in recognizing that the service and dedication of our military families is not just a 1 month deal; it is something that occurs every day, and we should recognize that every day. I ask my colleagues to support the resolution, H. Res. 861.

Mr. GINGREY of Georgia. Madam Speaker, I rise today as a proud cosponsor of H. Res. 861, a resolution supporting the goals and ideals of National Military Family Month.

The families of those who serve our country on the front lines deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to faraway lands in support of a cause and an ideal so much greater than any one individual. The support given to our service men and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

The men and women of the United States armed services rely on the support and encouragement of their families as they strive to protect the liberties and freedoms we enjoy every day at home. From the service organizations that provide holiday gifts to the letter that a parent or sibling writes to a loved one deployed or stationed abroad, the love and support of our military families is paramount. The sacrifices performed by these families should never be forgotten or diminished because they represent the very foundation of the American spirit.

Let us also make certain that we remember those individuals who are in harm's way today in Iraq and Afghanistan, as well as those who have paid the ultimate sacrifice—we are forever grateful for your heroic acts and for your service to our nation.

The brave men, women, and families who have and continue to sacrifice for our present freedoms deserve our fullest support. These individuals represent our nation's finest qualities, and they must be treated with the utmost respect and honor. Recognizing the month of November as National Military Family Month is just one small token of our appreciation for the families and their sons, daughters, brothers, and sisters who labor steadfastly for the United States and its undying values of freedom and liberty for all. It is my hope that we will continue to do all we can and more for the members of our Armed Forces and their families.

Madam Speaker, I urge all of my colleagues to support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the burden which military families bear, and honoring the importance of the sacrifices they



make. I strongly support H. Res. 861, designating the month of November, which includes the Veterans Day holiday, as an appropriate time to observe National Military Family Month. As a Member of the House Committee on Armed Services, I find this resolution to be of great significance, and I urge my colleagues to support it.

Military families in my home State of Georgia have suffered the loss of 158 soldiers, 6 of whom were constituents in my district, as a result of military operations in Iraq and Afghanistan. Nationwide, military families have endured the loss of thousands of soldiers. We owe them our gratitude and recognition for their service. The men and women who serve in the Armed Forces are responsible for carrying out the invaluable task of keeping our country safe, and as they fulfill their duties at home and abroad, they rely, not only on the political support of fellow citizens, but also on the emotional support of their families. As we move forward with important military objectives in Iraq and Afghanistan, we should not forget this unseen, but crucial, support. Indeed, the dedication of military families represents what is finest about our country. And, with increasing military challenges, this resolution, honoring their commitment, will reaffirm the solidarity and unity that provides our country with strength and resolve as we pass through this time of trial.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the resolution, H. Res. 861, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KISSELL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING IMPORTANCE OF TEACHING STUDENTS ABOUT VETERANS

Mr. BISHOP of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 897) recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 897

Whereas veterans have made innumerable sacrifices for the freedom and welfare of the United States and people worldwide;

Whereas in 2008 there were over 23,000,000 veterans in the United States, but many elementary and secondary school students are not aware of the efforts veterans have made to protect our freedoms;

Whereas many elementary and secondary schools and teachers have held drives in re-

cent years to collect items to send to veterans, members of the Armed Forces, and families of such members;

Whereas fewer than half of the Nation's high school seniors have a basic knowledge of American history and the contributions veterans have made to the Nation's safety and security;

Whereas it is important for elementary and secondary school students to learn about the history of the Nation and the wars and missions veterans have participated in and sacrificed for; and

Whereas elementary and secondary schools across the Nation host Veterans Day programs to honor and educate students about the sacrifices veterans have made: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the importance of teaching elementary and secondary school students, on Veterans Day and throughout the school year, about the sacrifices that veterans have made throughout the history of the Nation; and

(2) encourages elementary and secondary schools to engage students in learning about, and honoring, veterans and the sacrifices they have made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. BISHOP of New York. Madam Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend their remarks on H. Res. 897.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Madam Speaker, I rise in support of H. Res. 897, and I thank my friend and colleague from Kentucky (Mr. GUTHRIE) for offering this legislation. This resolution recognizes the importance of teaching elementary and secondary school students about the sacrifices veterans have made throughout our Nation's history.

Our country is built on the backbone of men and women who served in our Nation's military forces. Veterans from all across the Nation sacrifice their time, energy, and lives for freedoms that we sometimes take for granted. In 2008, there were over 23 million veterans in the United States, but much of our Nation's youth do not fully comprehend the commitment our soldiers undergo on a daily basis. Many times, veterans leave combat and reintegrate into society with extreme challenges: post-traumatic stress disorder, alcoholism, drug abuse, and homelessness are just some of the afflictions our dear veterans face. However, there are a number of dedicated organizations that cater and focus direct attention to the needs of our veterans.

Last month, we commemorated our veterans on November 11 with Veterans Day. We remembered heroes for their fearlessness, their loyalty, and their

dedication. Their selfless sacrifices continue to inspire us today as we work to advance peace and extend freedom around the world.

We also remember and honor those who laid down their lives in freedom's defense. These brave men and women made the ultimate sacrifice for our benefit, and our country is forever indebted to our veterans for their courage and exemplary service.

But today, less than half of the Nation's high school seniors possess the basic knowledge of the contribution veterans have made to our Nation's safety and security, and because of this, I recognize the importance of teaching the sacrifices veterans have made for our Nation in the classroom.

Madam Speaker, I again want to support this resolution and to thank Representative GUTHRIE for bringing this resolution forward. I encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 897 recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation. Over the recent Veterans Day holiday, I was proud to attend many ceremonies and parades held across my district to honor our veterans. Through these events, and many others, students learn the important role past generations played in our Nation's history. We watch with admiration the accomplishments of our servicemen and -women, both past and present. And as we come upon another holiday season, we are thankful for their perseverance and dedication, and are again reminded how important our military, their families, and veterans are to our Nation's history and future.

I want to share one experience just a few weeks ago. We finished voting early, and I went for a walk around the Capitol on a beautiful fall day. As I was walking down the Mall, I walked past the World War II Memorial. I stood there, and there were older people looking at the Pacific side and the Atlantic side, and I was trying to think in my mind what they were thinking. Were they remembering a friend or colleague that didn't come back? A lot of them were sharing that experience with grandchildren or great-grandchildren. You could just see at the memorial the pride and the tears in our veterans.

As I continued to walk, I went down to the Korean war memorial, and that is one that my family has personal experience with. My uncle, 12 years before I was born, in 1952 was killed. And so my grandfather and grandmother always talked about the sacrifice of veterans, particularly losing their oldest son in the Korean war.

Then further along the Mall there is the memorial to Abraham Lincoln with

the Gettysburg Address dedicating a cemetery to our veterans.

And then the one that is so moving, as I was walking back, the Vietnam Wall. As you see families at the Vietnam Wall, a lot of them will take a piece of paper and pencil and will sketch out the name of someone. As I was watching them doing that, I was standing there wondering, is that a husband that didn't come home? Is that a father for a child they never met?

And then I turned back to get back for an evening meeting. As you head to the Capitol, you understand what it is all about. The thing that you see most and foremost is the dome over the building in which we are standing. I remember walking back after having these moments with veterans and remembering veterans and looking at the dome all of the way walking back and saying, that dome is opportunity, it is freedom, it is hope. But not just for us; it is hope for the world. People look to that dome throughout the world.

It hit me that the Mall is the story of veterans. And the reason the Mall is the story of veterans and memorials to veterans, this country, this Nation and this dome and this symbol is about freedom, and we wouldn't have one without the other. It was an emotional day for me as I was walking back.

I have been talking to schools as I mentioned earlier during Veterans Day, and one of the things I talked to them about was about Francis Scott Key and "The Star-Spangled Banner" and the history and the actual meaning of those words in that song. I always end it with—I will never pretend that I can improve on Francis Scott Key, but the last line, It is the land of the free and the home of the brave, I would say we need to think it is the land of the free because of the brave.

I think it is important that our students are taught, and in our home State of Kentucky, Veterans Day is a school day, but it is mandated that each school teaches about veterans by being in session on Veterans Day. I think it is important that we do this across this country, and I ask my colleagues to support this resolution.

Madam Speaker, I have no further speakers, and so I yield back the balance of my time.

Mr. BISHOP of New York. In closing, I urge my colleagues to support this resolution. I want to once again thank Mr. GUTHRIE for bringing it forward. I urge support of this resolution.

Mr. SOUDER. Madam Speaker, today I rise in support of H. Res. 897 recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation.

While this resolution is new to the House, in Fort Wayne, Indiana, Holland Elementary School has made a special effort to recognize veterans for years. In November 2001, in response to the terrorist attacks on September 11, 2001, Holland Elementary School started their annual Veterans Day Recognition Program.

Created by Principal Mike Caywood (a Vietnam veteran himself) and music teacher Jane Zweinink, the Veterans Day Recognition Program invites veterans to come to Holland Elementary on Veterans Day and share their stories with students. Principal Caywood has invited veterans from all over the local community and specifically veterans from local senior care homes. Ms. Zweinink has taught students patriotic songs that are performed for guests when they came to school. The veterans have enjoyed seeing the students perform, singing songs and sharing their patriotic message.

Over the years, Holland Elementary has seen a decrease in the number of World War II vets attending and the Korean and Vietnam vets are getting older. In response, the school has proactively reached out to veterans from Desert Storm, Iraq and Afghanistan. They have also had an increase in the number of active duty soldiers participating, including mothers and fathers of students. Many of these veterans come from the school system itself. Fort Wayne Community Schools currently employs over 100 veterans.

Holland Elementary's Veterans Day Recognition Program is a great example of how H. Res. 897 can be implemented. I want to thank Mr. Caywood and Ms. Zweinink for their hard work in recognizing local veterans and making sure elementary students understand the sacrifices of generations before them.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 897.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. BISHOP of New York. Madam Speaker, I move to suspend the rules and pass the bill (S. 1422) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1422

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

##### SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.—For purposes of determining whether an employee who is a

flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

"(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 102; and

"(II) the employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

"(ii) FILE.—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

"(iii) DEFINITION.—In this subparagraph, the term 'applicable monthly guarantee' means—

"(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employee for any given month; and

"(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month,

as established in the applicable collective bargaining agreement or, if none exists, in the employer's policies."

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

##### GENERAL LEAVE

Mr. BISHOP of New York. Madam Speaker, I ask unanimous consent for 5 legislative days in which Members may revise and extend and insert extraneous materials on S. 1422 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 1422, the Airline Flight Crew Technical Corrections Act, which is almost identical to H.R. 912 which the House passed in February. I am proud to be the principal author and principal sponsor of H.R. 912, and I was delighted to see it garner such support in the House of Representatives.

The Family Medical Leave Act has been a great program for working families in this country since it was passed in 1993. No one can question the benefit as provided for working women and men by being able to take time off from work to care for themselves or family members.

The intent of the law was to provide for 12 weeks of unpaid leave if an employee has worked 60 percent of a full-time schedule over the past year, which is about 1,250 hours. In order to qualify for FMLA coverage, therefore, an employee has to have logged in 1,250 hours over 12 months to be eligible. While 1,250 hours adequately reflects 60 percent of a full-time schedule for the vast majority of employees in this country, that equation does not work for flight attendants and pilots.

Flight attendants and pilots work under the Railway Labor Act rather than the Fair Labor Standards Act, which covers most 9 to 5 workers. Time between flights, whether during the day or on overnight layovers, is based on company scheduling requirements and needs but does not count towards crewmember time at work. Flight attendants and pilots can spend up to 4 to 5 days a week away from home and family due to the nature of their job. However, all those hours will not count towards qualification.

The courts have strictly interpreted the law and insisted that crewmembers must abide by the 1,250 hours for qualification even though the intent of the law was 60 percent of a full-time schedule.

Airline flight crews have been left out of what was intended to cover them. Therefore, a technical correction is needed to ensure that FMLA benefits are extended to these employees. This legislation seeks to clarify the intent of the law.

This legislation simply states that an airline crewmember will be eligible for FMLA benefits if they have worked or been paid at least 60 percent of the applicable total monthly guarantee or the equivalent for the previous 12-month period and a minimum of 504 hours.

□ 1115

In keeping with current law, any sick, vacation, or commuting time does not count towards the required number of hours. This brings these transportation workers in line with the intent of the original legislation, and as promised, when the law was first passed.

Last Congress, during an Education and Labor Committee hearing, we heard from Jennifer Hunt, a flight attendant for U.S. Airways. Jennifer was denied FMLA coverage when she applied to take time off to care for her ill husband, an Iraq war vet. Jennifer, unfortunately, like many other flight attendants and pilots as well, did not meet the hourly requirement.

I urge my colleagues to support this legislation so that flight attendants

like Jennifer can qualify for the FMLA.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself as much time as I might consume.

Madam Speaker, I rise in support of S. 1422, the Airline Flight Crew Technical Corrections Act. This bill is a companion to H.R. 912, which this House approved in February on a voice vote. The bill we consider today contains a few minor changes to the House-passed legislation made in the other body and is equally deserving of support.

As we have heard, this legislation is needed to address a very narrow, very specific concern. At issue is the fact that some airline personnel are subject to a unique scheduling process in which they are paid for being on-call, but in some cases are not credited with those hours in the calculation used for Family and Medical Leave Act eligibility. The practical impact of this technicality is that some flight crew personnel may work a full-time schedule but fail to qualify for family and medical leave. This is a real concern for those grappling with health conditions or family obligations.

Many Members have been uneasy about efforts to open up the Family and Medical Leave Act for small changes when it is clear that broader reforms are necessary. The FMLA has worked well for 16 years, offering workers the flexibility to tend to their own health or care for a loved one in their time of need without fear of losing their job. But despite the law's many successes, it has also become clear that changes are needed. The realities of today's workplaces are different from those of a decade and a half ago. Courts have offered evolving interpretations, and, as is often the case with such a sweeping change to employment law, there have been unintended consequences for both employers and employees.

I know the majority has worked with Members on our side of the aisle to craft legislation carefully and avoid some of the pitfalls that could come with piecemeal reform of FMLA. I want to thank them for ensuring this bill does exactly what it intends, no more and no less. The bill before us today, in fact, clarifies further several narrow points contained in the House-passed bill and ensures that these are truly technical corrections.

I hope Members will join me in supporting this bill and sending it to the President for his signature.

With that, I reserve the balance of my time.

Mr. BISHOP of New York. Madam Speaker, may I ask if the gentleman from Kentucky has any further speakers?

Mr. GUTHRIE. Madam Speaker, we have no further speakers, and with that, I will yield back.

Mr. BISHOP of New York. Madam Speaker, let me just observe that we

have been working on this bill now for approximately 2 years. I am delighted that we are now at the point where we are on the verge of passage and moving this bill to the President for his signature.

I urge my colleagues to support this legislation, and with that, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the bill, S. 1422.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

## CJ'S HOME PROTECTION ACT OF 2009

Ms. WATERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 320) to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "CJ's Home Protection Act of 2009".

### SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) nearly 20,000,000 Americans live in manufactured homes, which often provide a more accessible and affordable way for many families to buy their own homes;

(2) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(3) NOAA Weather Radio (NWR) is a nationwide network of radio stations broadcasting continuous weather information directly from a nearby National Weather Service (NWS) office, and broadcasts NWS warnings, watches, forecasts, and other all-hazard information 24 hours a day;

(4) the operators of manufactured housing communities should be encouraged to provide a safe place of shelter for community residents or a plan for the evacuation of community residents to a safe place of shelter within a reasonable distance of the community for use by community residents in times of severe weather, including tornados and high winds, and local municipalities should be encouraged to require approval of these plans;

(5) the operators of manufactured housing communities should be encouraged to provide a written reminder semiannually to all owners of manufactured homes in the manufactured housing community to replace the batteries in their weather radios; and

(6) weather radio manufacturers should include, in the packaging of weather radios, a written reminder to replace the batteries twice each year and written instructions on how to do so.

### SEC. 3. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARD.

Section 604 of the National Manufactured Housing Construction and Safety Standards

Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

“(i) WEATHER RADIOS.—

“(1) CONSTRUCTION AND SAFETY STANDARD.—The Federal manufactured home construction and safety standards established by the Secretary under this section shall require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home that—

“(A) is capable of broadcasting emergency information relating to local weather conditions;

“(B) is equipped with a tone alarm;

“(C) is equipped with Specific Alert Message Encoding, or SAME technology; and

“(D) complies with Consumer Electronics Association (CEA) Standard 2009-A (or current revision thereof) Performance Specification for Public Alert Receivers.

“(2) LIABILITY PROTECTIONS.—No aspect of the function, operation, performance, capabilities, or utilization of the weather radio required under this subsection, or any instructions related thereto, shall be subject to the requirements of section 613 or 615 or any regulations promulgated by the Secretary pursuant to the authority under such sections.”.

#### SEC. 4. ESTABLISHMENT.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the consensus committee established pursuant to section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5304(a)(3)) shall develop and submit to the Secretary of Housing and Urban Development a proposed Federal manufactured home construction and safety standard required under section 604(i) of such Act (as added by the amendment made by section 3 of this Act). Notwithstanding section 604(a)(5)(B) of such Act, the Secretary of Housing and Urban Development shall issue a final order promulgating the standard required by such section 604(i) not later than the expiration of the 90-day period beginning upon receipt by the Secretary of the proposed standard developed and submitted by the consensus committee.

#### SEC. 5. STUDY.

The Secretary of Housing and Urban Development shall conduct a study regarding conditioning the applicability of the requirement under the amendment made by section 3 of this Act (relating to supplying weather radios in manufactured homes) on the geographic location at which a manufactured home is placed, but only to the extent that such requirement applies to new manufactured homes and new site-built homes. In conducting such study and making determinations under the study, the Secretary shall take into consideration severe weather conditions, such as high winds and flooding, and wind zones and other severe weather data available from the National Weather Service. Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary shall complete the study and submit a report regarding the results of the study to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, before I begin my remarks, I would like to thank the gentleman from Indiana (Mr. ELLSWORTH) for his continued leadership on this issue, and for authoring the legislation that is before us today.

H.R. 320, the CJ's Home Protection Act of 2009, is named after CJ Martin, a 2-year old boy who was killed when an F3 tornado struck his manufactured home in 2005. Over 8 million families rely on manufactured housing to fulfill their housing needs. However, many manufactured homes, particularly those built before 1994, are incapable of withstanding the winds of a tornado, which can reach up to 200 miles. In 2008, 45 percent of tornado-related deaths occurred in manufactured homes.

H.R. 320 would provide a much-needed safety component to manufactured homes by requiring that they be equipped with weather radios that can inform families ahead of time that potentially dangerous weather is on the way. With this information, families can take appropriate action to protect themselves in the event of dangerous weather. These radios can be provided at a minimal cost—less than \$50 in most cases—and are a small price to pay for saving even one life.

In addition, given the government's reliance on manufactured housing to meet the temporary housing needs of families displaced by natural disasters such as Hurricane Katrina, this kind of housing is becoming more and more critical to the lives of many Americans. It is crucial that this housing be safe and secure over the long term because, as we have seen in the aftermath of Hurricane Katrina, the Federal Government can be lax in funding and finding permanent housing solutions for families temporarily living in these housing units.

The House already passed this legislation during the 110th Congress, and I hope that the Senate joins us in sending a bill to the President for his signature. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 320, CJ's Home Protection Act of 2009. I would like to thank the chairman for his assistance in expediting this important bill to the floor. And I'd like to thank my colleague and author of the legislation, the gentleman from Indiana (Mr. ELLSWORTH), for putting this bill together.

This bipartisan bill amends the Manufactured Housing Construction and Safety Standards Act of 1974 by requiring the installation of a National Oceanic and Atmospheric Administration weather radio in all manufactured homes built or sold in the United States. These weather radios will provide immediate broadcast of severe weather warnings and civil emergency messages, including tornado and flood warnings, AMBER alerts for child abductions, and chemical spill notifications.

The legislation is named in memory of CJ Martin, a 2-year-old boy who was killed during a tornado in southwest Indiana in 2005. His mother, Kathryn, helped pass a State law requiring the manufactured housing industry to install NOAA weather radios in all newly built units and spoke at the news conference in support of similar Federal legislation. Manufactured housing in this country has replaced a lot of substandard housing, and it provides very affordable housing. It is clean, and it provides an extraordinarily good home.

Despite rapid advances in tornado warning technologies, residents of manufactured housing communities often do not have adequate access to proper shelter. Many residents of homes have a place to go in the event of a tornado, whether it is a basement or an interior room. That is why Congress passed the Tornado Shelters Act, which was signed into law in 2003. That bipartisan bill authorized communities using community development block grant monies to construct or improve tornado-safe shelters located in manufactured housing parks. Unfortunately, this program is not used often enough.

H.R. 320 represents the final link in protecting families and residents in these communities. These weather radios will get warnings out, sometimes as much as half an hour or more before a severe storm arrives. We have the ability to build shelters. Now we are going to give residents an opportunity to hear these warnings earlier so they can take shelter from these storms. The cost of installing these radios is minimal, and this is going to save lives. It is going to save families.

We will never go back and know whether CJ could have survived had this legislation been passed. We do know, though, by talking to people throughout the United States that these radios have in many, many cases already saved lives and will save lives if we install them in manufactured housing. We have a shot at significantly reducing over half of the deaths from tornadoes simply by taking the step together and passing this legislation. I again want to commend the chairman and ranking member for expeditiously moving this legislation, and I commend the Member from Indiana (Mr. ELLSWORTH) for his thoughtfulness and his care and passion and dedication to this issue.

With that, Madam Speaker, I reserve the balance of my time.

Ms. WATERS. I yield such time as he may consume to the gentleman from Indiana, the author of this bill, Representative ELLSWORTH.

Mr. ELLSWORTH. Madam Speaker, I rise today in support of CJ's Home Protection Act, H.R. 320. The House's consideration of this public safety legislation today—legislation which would require a NOAA weather radio be installed in all manufactured homes built and sold in this country—is a continuation of an effort we started 2 years ago. Back in 2007, the House passed this bill by voice vote, and I hope it will receive broad support again today.

At 2 a.m. on the morning of November 6, 2005, an F3 tornado touched down in my district in southwest Indiana. The tornado hit a manufactured housing community after most people had gone to sleep, and it tragically took 25 lives, Hoosier lives in Vanderburgh and Warrick County. These lives might have been saved if the victims knew of the dangerous storm that was approaching.

CJ, a loving and playful 2-year-old boy, was one of the victims that night. CJ and 24 other victims, including his grandmother and great grandmother, are the reason why I'm here today. His picture is a reminder of the heartbreaking loss that severe weather can bring to families and communities throughout this country. All too frequently this loss comes with little or no warning.

Madam Speaker, I was the sheriff of the county back in 2005, and my department oversaw the recovery effort in the aftermath of this horrendous storm. The horror and devastation the storm left behind is something I will remember the rest of my life. That is why this bill is so important to me and many others.

While CJ is the inspiration for this important public safety legislation, Kathryn Martin, CJ's mother, is the leader in the effort. In the months after the storm, Kathryn channeled her pain and suffering toward an effort to pass similar legislation in the State of Indiana. Kathryn would not be denied. She was successful in getting the bill passed, and because of the awareness she raised about weather radios, the people in my hometown of Evansville, Indiana, have the most weather radios in households per capita in the United States.

When I first met Kathryn, I promised her that if I ever came to Congress I would introduce Federal legislation to do the same thing that she was trying to push in our State. The bill before us today is a fulfillment of that promise. CJ's Home Protection Act amends the Federal Manufactured Home Construction and Safety Standard to require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home.

One might question that when not every area of the country endures the

same dangerous tornado season, why should this be a national standard? While it's true that some regions encounter more tornadoes than others, extreme weather exists everywhere. A tornado took CJ's life. But for another child living in California, it could be a wildfire or a mudslide. For a child living in Texas, it could be a flash flood. Also, it should be added that NOAA weather radios are used to put out AMBER alerts. The radio must be capable of broadcasting emergency information related to local weather conditions, equipped with a tone alarm and specific alert message encoding, and comply with Consumer Electronics Association standards for public receivers.

Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves when severe weather strikes. This bill is about improving public safety, plain and simple. It's not about demonizing the manufactured housing industry. Kathryn and John Martin and the other residents of this community love their homes, and the manufactured houses provide affordable, high-quality homes for thousands of American families. I'm a strong supporter of manufactured housing. I see this legislation as adding one more feature to enhance the safety features of these structures.

Before I conclude my remarks, Madam Speaker, I'd like to thank Chairman BARNEY FRANK and his staff at the Financial Services Committee for their efforts to move this legislation forward. This bill would not be where it is today without the strong support of Ranking Member SPENCER BACHUS. He has been a vocal advocate for this cause from the very beginning. Thank you very much. I would also like to thank Congressman DENNIS MOORE and Congresswoman KAY GRANGER for their support as original cosponsors. Finally, I'd like to thank my good friend from Indiana, Congressman JOE DONNELLY, who was helpful throughout the entire process.

I urge my colleagues to support this important public safety legislation. The cost of a NOAA weather radio is a mere \$30 to \$80, and for that price we can improve the safety of so many people from the sudden threat of extreme weather.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, in closing, I do want to thank Ranking Member BACHUS. He has done a tremendous job in pushing forth this bill, along with the chairman. And I also want to thank again Mr. ELLSWORTH for his passion and his leadership on this issue. We all know that we dread times of storm. We've just gone through one in Virginia where, luckily, we didn't lose any lives. But we all know that when there are ways to prevent death and destruction, we ought to act in that way. Mr. ELLSWORTH and his leadership, seeing the

need, seeing where we can save lives, stood up, assumed that leadership role and has really done, I think, a great thing for folks that have manufactured homes throughout the United States. Again, thank you for your leadership. And thank you again to Mr. BACHUS, the ranking member, for his leadership on this and to the chairman for pushing this important legislation through.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in addressing the need to install weather radios in all manufactured homes manufactured or sold in the United States to ensure the safety of all Americans. This bill, named after a 2-year-old boy whose life was taken away when a tornado struck his community in 2005, will allow residents to receive more timely warnings about imminent severe weather. Accordingly, the bill ensures that each manufactured home delivered for sale in the United States be supplied with a weather radio.

Nearly 20,000,000 Americans live in manufactured homes. Because manufactured homes are more affordable than traditional homes, they are a viable housing option for low and moderate-income families. With the state of the economy, manufactured homes have become a more accessible and affordable way for many families to purchase their own homes. Thus, weather radios are essential as they provide immediate broadcast warnings of severe weather, such as floods, tornadoes, and high winds.

In March of 2009 a surprise tornado struck the City of Atlanta and caused millions of dollars worth of damage. Tornadoes can strike in many parts of the country, including places where they are rare, such as Atlanta. This is why the CJ's Home Protection Act of 2009 is an important piece of legislation that will save lives. I support this legislation and urge my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

Ms. WATERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 320.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TEMPORARY FORBEARANCE FOR FAMILIES AFFECTED BY CONTAMINATED DRYWALL

Ms. WATERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 197

Whereas since January 2009 over 1,300 cases of contaminated drywall have been reported from 26 States and the District of Columbia;

Whereas noxious gases released from contaminated drywall can cause serious health effects involving the upper respiratory tract, such as bloody noses, rashes, sore throats, and burning eyes;

Whereas toxins released from contaminated drywall can corrode metals inside the home, such as air conditioning coils and electrical wiring;

Whereas the dangers and health risks posed by contaminated drywall have forced thousands of families out of their homes and into temporary living situations, and many such families are unable to afford an additional financial burden;

Whereas because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from both financial problems and health complications at no fault of their own; and

Whereas banks and mortgage servicers can help families affected by contaminated drywall by taking into account, with respect to their mortgage payments, the financial burdens imposed by the need to respond to this problem: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress encourages banks and mortgage servicers to work with families affected by contaminated drywall by considering adjustments to mortgage payment schedules that take these financial burdens into account.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Madam Speaker, I yield to myself as much time as I may consume.

Madam Speaker, America's homeowners are currently facing the worst economic crisis in recent memory. Foreclosures are up. Home prices have declined and many homeowners now owe more on their homes than they are worth. These economic challenges have been made worse by health and safety issues many homeowners are now facing due to the installation of Chinese drywall in their homes. Since 2007, the Consumer Product Safety Commission has received over 2,100 reports from 32 States detailing health and safety problems associated with Chinese drywall. Health problems include asthma attacks, headaches, irritated eyes and skin and bloody noses.

□ 1145

Regarding home safety, homeowners are seeing their appliances shut down and have witnessed the piping and wiring in their homes turn black from cor-

rosion. This is because of the highly toxic chemicals that are in Chinese drywall. A recent CPSC study found high levels of hydrogen sulfide and formaldehyde in the air of homes built with Chinese drywall. As these are highly corrosive and dangerous chemicals, the CPSC is now advising homeowners with homes built with Chinese drywall to spend as much time outdoors and in the fresh air as possible. In the meantime, homeowners are desperate to remove these toxic building materials from their homes. Some have even moved out of their homes in order to complete the repairs. Unfortunately, due to the current economic crisis, many families cannot afford to pay their mortgage and pay the rent on a second home.

The resolution before us today calls on the Nation's mortgage servicers to work with homeowners living in homes affected by Chinese drywall by providing a temporary forbearance of their mortgage in order to assist them in affording the cost of renting a second home while their primary residence is treated.

Madam Speaker, this is a common-sense resolution. It's long overdue. As I mentioned earlier, America's homeowners are dealing with the brunt of the economic crisis head on. Those dealing with Chinese drywall are especially vulnerable and need for their mortgage servicers to step up to the plate to assist them in dealing with this health and safety issue.

I would like to thank the gentleman from Virginia (Mr. NYE) for offering this solution. I would like to note that the Senate has already passed a concurrent resolution, and I hope that my colleagues in the House can show their support for America's homeowners by doing the same.

Madam Speaker, I reserve the balance of my time.

Mr. WITTMAN. I yield myself such time as I may consume.

I'd like to thank my colleague from Virginia (Mr. NYE) for introducing this legislation to encourage financial and lending institutions to work with homeowners affected by toxic drywall. I would also like to thank the chairman and ranking member of the Financial Services Committee for bringing this resolution to the floor.

As of Friday, November 20, 2009, the Consumer Product Safety Commission had received nearly 2,100 complaints from homeowners in 32 States and the District of Columbia. The Commonwealth of Virginia and particularly the Hampton Roads region has been hit hard, and many homeowners are facing significant health problems and financial ruin because of the presence of toxic drywall in their homes.

The complaints to the Consumer Product Safety Commission, which began sometime in 2006, include a rotten egg smell within the home; health concerns such as irritated and itchy eyes and skin; difficulty in breathing; persistent cough; runny noses; recur-

rent headaches, sinus infections, nose bleeds, and asthma attacks; and blackened and corroded metal components in electrical systems and air conditioning units.

In October, I toured the homes of several constituents affected by the toxic drywall in the Hollymeade subdivision in Newport News and saw firsthand how toxic drywall has put the health and financial well-being of numerous families at risk. I met with these folks again last week to be updated on their current predicament. These homeowners, many of whom served or who are serving our country in the Armed Forces, cannot afford to carry a mortgage on a home that is uninhabitable and make arrangements to pay rent or pay a mortgage on a second home to keep their families safe. Many of these families are juggling the burdens of having a deployed spouse or a spouse preparing for deployment and an additional financial burden such as a move out of an impacted home, foreclosure, or loss of insurance coverage. All of these would be devastating to these families.

This resolution encourages banks to allow for a temporary forbearance without penalty on payments on their home mortgages. This would give homeowners the time they need to work out a more permanent solution. My office is currently working with seven homeowners who are seeking assistance from their lenders.

Again, I would like to thank my colleague from Virginia (Mr. NYE) for introducing this legislation, and I strongly urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Ms. WATERS. I yield the balance of my time to the gentleman from Virginia (Mr. NYE).

Mr. NYE. I thank my colleague very much for yielding.

Madam Speaker, I stand here today to raise awareness about a problem affecting hundreds of families in Hampton Roads, Virginia, and thousands across the United States: the problem of toxic Chinese drywall. Chinese drywall has induced serious health problems, created severe financial hardships, and driven thousands of American families from their homes.

Since January 2009, over 1,300 cases have been reported from now over 26 States and the District of Columbia. I have seen firsthand the physical, emotional, and financial burden toxic Chinese drywall creates. Just the other month I visited homes in my district that had the drywall installed. The toxins released by the drywall reeked of rotten eggs and had corroded the electrical wiring of the homes. In fact, there are homes that have had to replace expensive air conditioning units, televisions, microwaves, and other valuable appliances several times because of the harmful chemicals contained in the drywall.

Toxic Chinese drywall can also cause deep coughs, bloody noses, and severe



eye irritation. And those are just the short-term health effects that we know about. I wouldn't be surprised if even more serious health effects are soon found. Affected families have been left with an impossible choice: live in a home and put their family at risk, or shell out tens, if not hundreds of thousands of dollars, to replace the drywall. While some more fortunate families have been able to get help from friends, relatives and neighbors, many others have moved into rental housing, forcing them to pay both rent and the mortgage on the contaminated home. At a time when the economy is already struggling, this hardship is more than families can sustain.

Today, I urge my colleagues to support this resolution encouraging banks and mortgage servicers to work with their customers by allowing a grace period on their mortgage payments until they get back on their feet. Many banking institutions have already voluntarily provided mortgage forbearances for many of their customers, and I applaud the benevolence of these institutions. This can be a lifesaver for affected families.

Madam Speaker, as we work to create long-term solutions, we must also find a way to give these families some relief now. I want to thank my friends Mr. WEXLER and Mrs. MCCARTHY; my colleague from Virginia (Mr. WITTMAN); Mr. BUCHANAN; as well as Ms. WATERS and Chairman FRANK for working with me on this important legislation, and I hope the rest of my colleagues will join me in its support.

Ms. WATERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WITTMAN. I yield myself the balance of my time.

I want to echo the comments of Mr. NYE from Virginia. Having visited a number of these homes, the health effects from this toxic drywall are very apparent. The sulfur there is pungent. Just in the time that I spent there, I experienced some of the same systems, runny nose, itchy eyes, irritation of the lungs, a cough; and that was just in the very short period of time of about 2 hours. I can only imagine what those families have to endure under those conditions and living in those homes. So our hearts and minds and concerns go out to them.

Last week, the Consumer Product Safety Commission released the results of their most recent study of 51 homes. There was a lot of effort to try to get the Consumer Product Safety Commission to do a study on this toxic drywall. Their study did not find anything now that is conclusive about the health effects of drywall, but the Consumer Product Safety Commission did commit to continue the study because we all believe that just looking at 51 homes doesn't look at the full scope of this problem. This problem is in over 2,100 instances, and we know there are more across 32 States. So they've committed to work continually to identify

which compounds could be causing these health problems.

Their study found a strong association between the problem drywall, the hydrogen sulfide level in homes with that drywall, and corrosion in these homes. These two preliminary studies of corrosion of metal components taken from homes containing the problem drywall found copper sulfide corrosion in the initial samples tested, which supports the finding of an association between hydrogen sulfide and the corrosion.

Ongoing laboratory tests continue to investigate the nexus between safety and the short- and long-term effects of such corrosion not only on the homes, but it should also be looking at the effects on individuals that inhabit those homes. Based on these studies completed to date, the interagency task force can begin a new phase by developing a protocol to identify homes with corrosive drywall and a process to address the corrosive drywall and its effects.

I urge the task force to work expeditiously to complete the study phase and to release its protocols for identifying impacted homes and for remediation. This resolution will give homeowners the time they need to make decisions based on the Consumer Product Safety Commission studies and protocols for a more permanent solution to their situation.

Mr. FORBES. Madam Speaker, I rise today in strong support of H. Con. Res. 197, to encourage banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payment on their home mortgages. I am a proud cosponsor of this Resolution.

Along with thousands of affected homeowners across the country, my constituents are waiting for answers on the potential health and safety hazards posed by toxic drywall imported from China between 2004 and 2007. The corrosion of electrical wiring, home appliance failure, the emission of strong odorous gases, and health problems such as headaches, nausea, and throat irritation, are just some of the commonly reported problems associated with Chinese drywall.

Although a federal Interagency Task Force has been investigating this problem for nearly one year, suffering homeowners have still not been provided federal guidelines for inspection or remediation of their homes containing Chinese drywall. Basic questions remain unanswered, such as whether these homes are safe for people to reside in; whether Chinese drywall may combine with other common home fixtures or chemicals to cause additional harms. Homeowners continue to wait for answers from their government. Despite nearly 2,000 reported cases of Chinese drywall to the Consumer Product Safety Commission, and untold thousands more still unreported, committees in the House of Representatives have yet to hold one investigative hearing on the matter. Members deserve the opportunity to hear from expert witnesses across the spectrum of this growing crisis. Health, financial, safety, and legal ramifications need to be explored in depth so that appropriate action may be taken on behalf of so many American homeowners and affected businesses.

Madam Speaker, H. Con. Res. 197 is a step in the right direction. At this juncture, it is important that all those impacted by this drywall, from homeowners and builders to developers and banks and mortgage companies, work together with understanding until more answers are provided on the effects of this toxic drywall. I urge my colleagues to hold immediate congressional hearings on this issue, and I urge them to demonstrate their support in bringing relief to thousands of Americans whose homes have been so severely affected by Chinese drywall.

Mr. POSEY. Madam Speaker, I am proud to stand in support of this resolution as a cosponsor.

Contaminated drywall mostly manufactured in China and used in new home construction in the last decade, primarily between 2006 and 2007, has had a devastating impact on the housing industry in Florida and more importantly on the lives of thousands of homeowners and their families.

So far the Consumer Product Safety Commission has received more than 2,000 complaints from affected homeowners in at least 32 states and the District of Columbia. More than three-quarters of these complaints come from Florida. While we do not yet know the full extent of this problem, it appears that this concern is likely to grow considerably larger.

Homeowners with contaminated Chinese drywall have experienced a number of household and health problems. The drywall emits sulfuric compounds which cause corrosion in copper fittings commonly used in plumbing and air conditioning as well as electrical components. Many homeowners have had to replace hardware such as air conditioning coils, carbon monoxide detectors, and smoke alarms multiple times in as little as a year. In addition to the corrosive effects of the sulfuric gases, homeowners have experienced a variety of related health issues, which have forced many to move out of their homes. Common symptoms include eye irritation and breathing problems.

As you can imagine, this is financially and emotionally devastating for homeowners. As a result of contaminated drywall, many homes have dropped precipitously in value. Many people have lost their life savings which was invested in a home which they can now neither live in nor sell. Some have become desperate and chosen to walk away from their mortgages in the hope of starting fresh elsewhere. Still others are continuing to pay their mortgages while taking on the added burden of paying for an alternative living arrangement in the hopes that they can hang on long enough for a remediation protocol to be announced.

I recently toured some of these homes in the Antilles community in my district and I met with affected homeowners. Just a few minutes in one of these houses is enough time to start feeling the symptoms that have caused so many homes to become unlivable. Affected homeowners need help and they need help quickly.

I was pleased that the Federal Inter-Agency Drywall Task Force, headed by the CPSC, released the results of their 51-home study this month. I was encouraged to see some signs of progress from the task force. I was particularly encouraged that the task force officially established a scientific link between the contaminated drywall and the resulting corrosion.

More importantly, the task force has established an identification and remediation protocol team made up of scientists and engineers. While additional scientific studies continue, the most important next steps for the CPSC are to release the identification and remediation protocols. This will hopefully help homeowners to begin getting the problems fixed so their homes are once again livable and up to par with market value.

I call on the CPSC and the task force to move quickly to identify and release these protocols in the most expedient manner possible. I urge the task force to work closely with homeowners and private industry to establish the most efficient and effective methods of identifying and fixing problem drywall.

On the finance side, I encourage lenders to work closely with homeowners to modify loans and extend credit for remediation once a protocol is established. The mortgage crisis of the past year would only be made worse by a new wave of people walking away from their mortgages over this issue. Any help lenders can provide in modifying loans, offering a period of forbearance, and extending credit will help more people to stay in their homes and prevent the banks from having to assume possession of homes which they will not be able sell.

Mr. WEXLER. Madam Speaker, I rise today in support of House Concurrent Resolution 197, encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages. As a founding co-chair of the Congressional Contaminated Drywall Caucus, I am proud to sponsor this resolution and support its passage, which sheds further light on the plight of thousands of homeowners in south Florida and around the Nation dealing with the "silent hurricane" of contaminated drywall in their homes.

The Congressional Contaminated Drywall Caucus, which now has 20 members from seven States, has been working diligently over the past year to ensure that the Federal agencies and relevant organizations in the private sector who have a stake in this issue are engaged in a dialogue that produces a swift and complete response that provides relief to homeowners affected by this contaminated product. While I believe the response has not been nearly as swift as needed, I have been encouraged by recent efforts on the part of the Inter-Agency Task Force, led by Chairman Inez Tenenbaum of the Consumer Product Safety Commission, to come to a full determination of the science behind this problem, and from there determine the appropriate response to the litany of issues that victims are facing on a daily basis.

One of these issues, and often one of the most critical for those affected, is maintaining their mortgage. As our economy begins to recover from the worst recession since the Great Depression and our housing market begins to show signs of life following record numbers of foreclosures, victims living in homes with contaminated drywall face the continued threat of foreclosure. These innocent victims are being forced to make the choice of remaining in their homes and paying their mortgages, possibly at the risk of their own health and that of their family, or leaving their homes to find alternative housing. Should they choose to seek alternative housing, they

are then responsible for both the mortgage on their contaminated home and the rent on their alternative housing.

House Concurrent Resolution 197 sends a strong statement on behalf of the entire House of Representatives that banks and mortgage lenders should work with families affected by this drywall to allow for temporary forbearances on their mortgage, without penalties, to ensure victims have the ability to move their families out of harm's way without risking their financial futures or losing their homes. Providing this relief is not only the right thing to do, but is essential in ensuring affected families do not continue to put their health at risk from this defective product.

Madam Speaker, I am proud to support this resolution and encourage all of my colleagues to support this resolution.

Mr. WITTMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WATERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ENHANCED S.E.C. ENFORCEMENT AUTHORITY ACT

Mr. KANJORSKI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to provide enhanced enforcement authority to the Securities and Exchange Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2873

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced S.E.C. Enforcement Authority Act".

#### SEC. 2. NATIONWIDE SERVICE OF PROCESS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: "In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued."

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: "In any civil action instituted by the Commission under this title in a United States district court for any judicial district, sub-

poenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued."

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended by inserting after the fourth sentence the following: "In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued."

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended by inserting after the third sentence the following: "In any civil action instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued to compel the attendance of witnesses or the production of documents or tangible things (or both) at any hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from California (Mr. CAMPBELL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. KANJORSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Madam Speaker, I yield myself such time as I may consume and rise today to speak in support of H.R. 2873, the Enhanced S.E.C. Enforcement Authority Act, and to congratulate the gentleman from California (Mr. CAMPBELL) for his work on these matters.

□ 1200

H.R. 2873 enjoys bipartisan support and previously passed the House in a slightly different form as part of the Securities Act of 2008 in the 110th Congress. In the 111th Congress, we've also incorporated this commonsense legislative reform in the Investors Protection Act of 2009. The House Financial Services Committee recently approved the Investors Protection Act, and that bill will come to the House floor in the near future as part of the broader financial services regulatory reform package.

The U.S. Securities and Exchange Commission currently has nationwide service of process of subpoenas in administrative proceedings. This bill will enhance the Commission's enforcement

program by allowing subpoenas to be served nationwide in civil actions brought by the agency in Federal court. Currently, the Commission can issue a subpoena only within the Federal jurisdictional district where a trial takes place or within 100 miles of the courthouse. Witnesses in civil cases brought by the Commission are, however, often located outside of a trial court's subpoena range.

With the proliferation of Internet scams that are perpetrated in multiple States, this quirk in the law has hampered the Commission's ability to efficiently and effectively mount its cases. Unless witnesses volunteer to appear at civil trials, the Commission must take depositions where the witnesses are located and use their written or videotaped deposition testimony at trial. Because of the associated travel for numerous lawyers and associates that must be present, depositions are generally more expensive than having a witness attend a trial.

H.R. 2873 would fix this problem by allowing the Commission to have nationwide service of process just as it currently has for its administrative proceedings. These changes in subpoena procedures for civil cases would apply to the Securities Exchange Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. Nationwide service of process would produce a number of substantial advantages, including a significant savings in terms of travel costs and staff time.

During these difficult economic times, we need to ensure that Federal agencies operate more efficiently. Additionally, we need to ensure that the Commission maximizes its limited resources to investigate and resolve wrongdoing in our securities markets. H.R. 2873 achieves both of these important objectives.

Moreover, the bill that the House is considering today incorporates the recommendations of the Commission, the Justice Department and our colleagues on the House Judiciary Committee. The consensus legislation, therefore, not only has bipartisan support in the House but it also has support from within the administration and across committee jurisdictions in the House. In short, H.R. 2873 is a commonsense bill that will allow the U.S. Securities and Exchange Commission to operate more efficiently.

Madam Speaker, I again commend the gentleman from California for his work on these matters, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague from Pennsylvania (Mr. KANJORSKI) for his support of this bill and his kind words about this bill. I would also like to thank the Judiciary Committee for working with us on the Financial Services Committee to come up with lan-

guage that is mutually acceptable and works for everyone on this bill.

In light of the recent Wall Street scandals with Bernie Madoff and Stanford and others, we think it's appropriate to grant the Securities and Exchange Commission some additional enforcement tools that they need to fight fraud and corruption in the markets. As Mr. KANJORSKI suggested—and I won't repeat the details of the bill which he accurately described—but if you think about it, most of these SEC enforcement issues will involve investors and perhaps conspirators from all over the country. But yet under current law, the SEC only has the authority to subpoena someone if they live within 100 miles of the Federal courthouse in which the trial is held.

So this means that if they need witness testimony from a victim, from a co-conspirator, from somebody involved with the investment, from somebody who participated in the alleged crime or who was a victim of the alleged crime, they have to get a deposition from them if they live more than 100 miles outside of the courthouse. Those depositions can be costly, difficult to get, and they clearly are not as effective in a trial circumstance as a witness actually in the trial.

This bill would correct that and simply give the SEC the same enforcement capabilities, the same subpoena capabilities that many other Federal enforcement agencies have in similar circumstances.

So I appreciate the bipartisan support. I appreciate the comments.

I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. CAMPBELL. I will yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 2873, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 AMENDMENT

Mrs. MALONEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1242) to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1242

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL MONITORING AND ACCOUNTABILITY FOR THE TROUBLED ASSET RELIEF PROGRAM.

Section 114 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5224) is amended by adding at the end the following new subsection:

“(c) ADDITIONAL MONITORING AND ACCOUNTABILITY.—

“(1) ELECTRONIC DATABASE.—

“(A) IN GENERAL.—The Secretary shall establish an electronic database to monitor the use of funds distributed under this title.

“(B) SOURCES OF DATA.—The database established under subparagraph (A) shall include data from the following sources, to the extent such data is available, usable, and relevant to determining the effectiveness of the Troubled Asset Relief Program:

“(i) Regulatory data from any government source.

“(ii) Filing data from any government agency receiving regular and structured filings.

“(iii) Public records.

“(iv) News filings, press releases, and other forms of publicly available data.

“(v) Data collected under subparagraph (C)(v).

“(vi) All other information that is required to be reported under this title by institutions receiving financial assistance or procurement contracts under this title.

“(C) ADMINISTRATION AND USE OF DATABASE.—The Secretary shall—

“(i) ensure that the database uses accurate data structures and taxonomies to allow for easy cross-referencing, compiling, and reporting of numerous data elements;

“(ii) ensure that the database provides for filtering of data content to allow users to screen for the events most relevant to identifying waste, fraud, and abuse, such as management changes and material corporate events;

“(iii) ensure that the database provides geospatial analysis capabilities;

“(iv) make the database available to the Comptroller General of the United States and to the Special Inspector General and the Congressional Oversight Panel established under sections 121 and 125, respectively, to provide them with access to current information on the status of the funds distributed under this title, including funds distributed through procurement contracts;

“(v) collect from each Federal agency on at least a daily basis all data that is relevant to determining the effectiveness of the Troubled Asset Relief Program in stimulating prudent lending and strengthening bank capital, including regulatory filings and data generated by the use of internal models, financial models, and analytics; and

“(vi) compare the data in the database with other appropriate data to identify activities inconsistent with the goals of this title.

“(2) MEETING TARP GOALS.—

“(A) DETERMINATION BY SECRETARY; RECOMMENDATIONS.—If the Secretary determines that a recipient's use of funds distributed under this title is not meeting the goals of this title, the Secretary shall, in coordination with the appropriate Federal agencies, develop recommendations for better meeting such goals, and such agencies shall provide such recommendations to such recipient.

“(B) FUTURE USES OF FUNDS.—If the Secretary determines that the use of funds described in subparagraph (A) does not meet the goals of this title within a reasonable time after the recommendations communicated under such subparagraph, the Secretary shall modify the permitted uses of funds distributed under this title to avoid similar problems in the future.

“(3) PUBLIC ACCESS TO DATABASE.—The Secretary shall, subject to paragraph (4), adopt rules and procedures for public access to the database created by this subsection.

“(4) PROHIBITION AGAINST DISCLOSURE OF CERTAIN INFORMATION.—

“(A) PROHIBITION.—A person or entity shall not disclose to the public information collected under this subsection that is prohibited from disclosure by any Federal or State law or regulation or by private contract or that is considered to be proprietary.

“(B) PROTECTION OF INFORMATION.—The Secretary shall implement reasonable measures to prevent the disclosure of information in violation of subparagraph (A).

“(C) CRIMINAL LIABILITY FOR DISCLOSURE.—A Federal officer or employee, or a contractor of any Federal agency or employee of such contractor, who intentionally discloses to the public or intentionally causes to be disclosed to the public information prohibited from disclosure by subparagraph (A), knowing that such information is prohibited from disclosure, shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

“(5) REGULATIONS AND PROCEDURES.—The Secretary shall, in consultation with the appropriate Federal agencies, promulgate regulations and establish any other procedures necessary to carry out this subsection.

“(6) IMPLEMENTATION DEADLINES.—

“(A) CONTRACT SERVICES.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue a request for proposal and award contract services as required by this subsection.

“(B) OPERATION OF DATABASE.—The Secretary shall ensure that the database described in paragraph (1)(A) is operational not later than 180 days after the date of the enactment of this subsection.”

## SEC. 2. REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.

Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking “\$700,000,000,000, as such amount is reduced by \$1,259,000,000., as such amount is reduced by \$1,244,000,000, outstanding at any one time” and inserting “\$700,000,000,000, as such amount is reduced by \$1,293,000,000, outstanding at any one time”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from California (Mr. CAMPBELL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

### GENERAL LEAVE

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert additional material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 1242, the TARP Accountability and Disclosure Act of 2009. This bill would require the Department of the Treasury to establish an electronic database for tracking all TARP funds. The bill would create a database available to the public on the Internet that will

track in real time the spending of funds in the Federal Government's Troubled Asset Relief Program called TARP. If UPS can track millions of packages clear across the world on any continent at any time, we can certainly track where \$700 billion in taxpayers' money has gone. In fact, we have a duty to do so.

When TARP began, the Treasury Department never required the financial institutions it funded to explain what they did with the money. And over a year later, we still do not know. It is past time for us to have a system so that the American people can tell in real time, enhancing its value as a regulatory tool and also as a preventative oversight tool. Taxpayers have a right to know how their tax dollars are being used. I believe that in order to ensure transparency, we should require the use of the technological tools that are available today.

Currently, TARP data are presented in filings in over 25 different agencies, including filings with the Securities and Exchange Commission, Web sites, Federal Reserve registration data, the FDIC data, over-the-counter trades, and Commodities Futures Trading Commission data. The data sources are not only housed in different agencies but are in incompatible systems and formats, making the material unusable. These agencies are unable to share the data with each other and to learn from it.

The bill, which I have coauthored with Representative Peter King and 42 of my colleagues, requires all relevant TARP data, including regulatory filings and public records, to be collected by the Department of the Treasury and put in a consistent standardized format so that TARP funds will be transparent and traceable. This bill would also provide the ability to monitor inconsistencies that may indicate waste, fraud, and abuse at both the corporate and individual officer levels. By using tools that currently exist, individual filings and transactions can be pulled together to create a single view of an institution and provide better management and regulatory oversight.

The basic data elements would include but not be limited to the following: the capture and standardization of every transaction the institution is involved with, wherever possible; news releases, press releases and other sources of public data; counterparty filings; securities transactions; UCC filings in certain cases; and transaction data, including mortgages, debt issuance, and fund participation.

In the simplest terms, my bill allows the question to be answered, Where has the money gone? And this is a question that pundits and taxpayers ask every single day. Recently, Elizabeth Warren, who is one of the oversight regulators, stated in testimony that she has no idea where the TARP money is. This bill would change this. This would put safeguards in to ensure that propri-

etary information about financial services companies is not disclosed, and this bill does not put any additional burden on industry. It merely puts in a usable form information that is already required by regulators.

There is broad support for this bill from close to 40 groups from across the political field, including the Center for Democracy and Technology, the U.S. Chamber of Commerce, the NAACP, and the Heritage Foundation.

I would like to place into the RECORD the list of supporters from respective organizations.

Groups that have publicly endorsed the bill (or if a 501(c)(3) support the “idea or policy goals” of the legislation since they cannot directly support a specific bill):

United States Chamber of Commerce; Center for Democracy and Technology; OMB Watch; Project On Government Oversight; Taxpayers for Common Sense; OpenTheGovernment.org; Institute for Policy Innovation; Competitive Enterprise Institute; NAACP; Mexican American Legal Defense and Education Fund (MALDEF).

National Puerto Rican Coalition (NPRC); The Hispanic Federation; Information Technology Industry Council; Heritage Foundation; Americans for Tax Reform; Center for Fiscal Accountability; 60 Plus Association; Alabama Policy Institute; American Shareholders Association; Americans for Limited Government.

Americans for Prosperity; Caesar Rodney Institute; Center for Individual Freedom; Center-Right Coalition of Florida; Coalition Opposed to Additional Spending & Taxes; Council for Citizens Against Government Waste; Grassroot Institute of Hawaii; Illinois Alliance for Growth; Illinois Policy Institute; Institute for Liberty.

Maine Heritage Policy Center; Mississippi Center for Public Policy; National Taxpayers Union; Oklahoma Council of Public Affairs, Inc.; Pelican Institute for Public Policy; Pioneer Institute for Public Policy Research; Rhode Island Tea Party; Small Business Hawaii; The Aarons Company; Kentucky Progress; Citizens' Voice for Property Owners.

As we have seen from this time last year, the lack of transparency in terms of how the funds are spent makes this bill necessary. The American people, Members of Congress, and regulators are demanding transparency. It is time that we gave it to them. They are entitled to it.

I would like to thank Members on the other side of the aisle, Mr. KING and others, who have been supportive, and particularly Chairman FRANK for his leadership and STENY HOYER for his support. I urge my colleagues to support it. It's past time for us to have a system so that the American people can tell in real time how their tax dollars are being used. I would add that I also believe that it would build confidence in the system, hopefully a confidence that will be managed in an appropriate way.

I reserve the balance of my time.

Mr. CAMPBELL. I yield myself as much time as I may consume.

Mr. Speaker, I rise to support this bipartisan bill authored by the lady from New York and the gentleman from New York (Mr. KING). You know, this bill is really pretty simple, and it's really

just about transparency, disclosure and sunshine. Last year, \$700 billion of taxpayer money was made available in order to provide a rescue plan for the financial system, which was troubled at that time. We all know that much of this money has gone out, but what we don't really know is what it has gone to do, what it is actually being used for, where it is being employed.

Now there are those who will say that, well, because there are dollars, if you put dollars into a given financial institution, they're fungible and you don't really know which dollar went to what, and I understand that that argument has some legitimacy. But the point of this bill is, Let's disclose and let's make available what we do know. There is a lot of information out there, as the gentlelady from New York suggested, which is in multiple agencies and multiple places, and it's just simply not available to Members of the House or to Members of Congress so that we can make an effective determination of whether this money has, is, and will be used in a manner consistent with its original objective which was to stabilize the financial system.

This bill, what it really does is, as it says, to make available, ongoing, continuous and close to real-time updates of the status of funds distributed through a standardized electronic database. That's something which technology today enables us to do, and it's something which the taxpayers and the Members of Congress have the right to see in order to better evaluate the use of these funds. So I stand in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I have no further speakers. I would just like to say that the program's effectiveness was testified in support of by economist Mark Zandi, who said, While TARP has not been a universal success, it has been instrumental to the stabilization of the financial system and bringing an end to the credit recession, but there are still serious criticisms of the program that should give us concern about its effectiveness, its cost, and how it can be improved. This bill that brings online transparency would move us in that right direction.

I am strongly in support of it, as well as many of my colleagues.

Having no further speakers, I yield back the balance of my time.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 1242, the TARP Accountability and Disclosure Act. As the lead Republican sponsor of this legislation, I have worked closely with Representatives MALONEY and CANTOR as well as Financial Services Committee Chairman FRANK and Ranking Member BACHUS to bring this important bill to the House floor.

The Emergency Economic Stabilization Act, EESA, created the Troubled Assets Relief Program, TARP, which authorized the Treasury Department to buy \$700 billion worth of troubled assets from financial institutions. This money has also been used by Treasury to

purchase preferred stock from banks and other financially troubled companies, such as AIG, General Motors, and Chrysler, and in support of programs such as the Targeted Investment Program, Asset Guarantee Program, and Consumer and Business Lending Initiative Investment Program to name a few. While Congress did subsequently place additional conditions on how it could be spent, it has been rather difficult to follow and account for this vast amount of money.

It is also important that not only our government but also the American People know exactly where their taxpayer dollars are going for programs such as TARP. The TARP Accountability and Disclosure Act requires the creation of a database system within the Department of Treasury and provides for additional monitoring and accountability that will provide true transparency of how the TARP funds are used. This system would serve as an efficient mechanism for oversight, audits, and investigations. H.R. 1242 will also require that this database be made publicly available, allow for the daily collection of information and for the filtering of data content. Finally, it will prohibit the disclosure of information that would already be prohibited by any federal or state law or regulation including proprietary information.

So, why is this necessary? Well, not only is this information reported to over 25 different federal agencies, including the SEC, Federal Reserve, FDIC, and Commodities Futures Trading Commission, but the data is located in various systems and formats that are incompatible with one another. The TARP Accountability and Disclosure Act would require all relevant TARP data collected be put in a single standardized format so these funds will be transparent and traceable.

I am pleased to report that this legislation is supported by many organizations including the Chamber of Commerce, the Center for Democracy and Technology, OMB Watch, Taxpayers for Common Sense, Heritage Foundation, Americans for Tax Reform, and the NAACP.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today in support of H.R. 1242, which amends the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program, TARP. I support this legislation because I believe that increased accountability will enhance the effectiveness of the TARP funds.

I would like to first thank my colleague, Congresswoman CAROLYN MALONEY, for introducing this valuable piece of legislation. The TARP funds are designated for financial institutions that have complex internal systems and handle a large volume of information from various sources. The nature of the TARP fund recipients makes understanding how TARP funds are used difficult. Moreover, data is currently being submitted in filings to many agencies and databases, including the Securities and Exchange Commission, SEC, Federal Reserve, the Fed, Federal Deposit Insurance Corporation, FDIC, Commodities Futures Trading Commission, and Over the Counter Trade data. That the data is housed in separate agencies and in distinct formats makes it difficult to oversee and interpret the usage data.

H.R. 1242 will require the Treasury Secretary to create a database that will facilitate

the monitoring of TARP funds. The bill provides guidance to the Secretary for the structure of the database and what data should be included. The information collected by the database will be collected on a daily basis and reviewed to ensure compliance with the Emergency Economic Stabilization Act of 2008. Data submitted by TARP recipients will be combined with third party data such as indexes, media reports, press releases, and non-governmental financial information to ensure that the information available is comprehensive. The database will be required to have accurate data structures to allow for cross-referencing, filtering of data content, and geospatial analysis capabilities. The database must be made available to oversight bodies such as the Special Inspector General, the TARP Oversight Panel, the Government Accountability Office, GAO, and law enforcement. Additionally, the Secretary of the Treasury must provide the public access to the database, while protecting information that is prohibited from disclosure under current law. Importantly, this legislation begins the implementation of these measures soon after the enactment, allowing for oversight to begin promptly.

Mr. Speaker, the list and diversity of organizations that support this legislation is long. The public demands accountability with regards to taxpayer dollars and this bill provides the necessary reforms to ensure that TARP funds are used properly. The dynamic database outlined by this legislation provides a valuable tool for oversight. By establishing a mechanism for oversight and investigative agencies to review TARP fund usage, we are enhancing accountability.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 1242, which would provide additional and necessary monitoring of Troubled Asset Relief Program funds.

H.R. 1242 would create a database to easily track the status of distributed funds, making it easier for those overseeing the program to spot inconsistencies in spending and ensure the most effective use of the funding. It would also require the Treasury Department to adjust the future use of TARP funds if its intended goals are not being met.

Along with my constituents, I am deeply disappointed that the past administration did not adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes. Earlier this year, I was pleased to vote for legislation that would have ensured TARP funding was spent responsibly and transparently in an effort to get the economy back on track. Unfortunately, this measure was not taken up by the Senate.

In order to stabilize our economy and get credit flowing again to families and small businesses, we need to fundamentally change the practices of the Troubled Assets Relief Program. By strengthening accountability and increasing transparency, this measure ensures that public resources are being spent correctly and wisely. I urge my colleagues to vote for this measure.

Mr. CAMPBELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 1242, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mrs. MALONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1215

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 494, by the yeas and nays;

H. Con. Res. 129, by the yeas and nays;

H. Res. 861, by the yeas and nays;

H. Res. 897, by the yeas and nays;

H.R. 3634, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### RECOGNIZING THE EXEMPLARY SERVICE OF THE 30TH INFANTRY DIVISION DURING WORLD WAR II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 494, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the resolution, H. Res. 494, as amended.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 914]

YEAS—415

Abercrombie	Bishop (GA)	Buchanan
Ackerman	Bishop (NY)	Burgess
Adler (NJ)	Blackburn	Burton (IN)
Akin	Blumenauer	Butterfield
Alexander	Blunt	Buyer
Altmire	Bocchieri	Calvert
Andrews	Boehner	Camp
Arcuri	Bonner	Campbell
Austria	Bono Mack	Cantor
Baca	Boozman	Capito
Bachmann	Boren	Capps
Bachus	Boswell	Cardoza
Baird	Boucher	Carnahan
Baldwin	Boustany	Carney
Bartlett	Boyd	Carson (IN)
Barton (TX)	Brady (PA)	Carter
Bean	Brady (TX)	Cassidy
Becerra	Braley (IA)	Castle
Berkley	Bright	Castor (FL)
Berman	Broun (GA)	Chaffetz
Berry	Brown (SC)	Chandler
Biggert	Brown, Corrine	Childers
Bilbray	Brown-Waite,	Chu
Bilirakis	Ginny	Clarke

Clay	Hoekstra	Miller, George
Cleaver	Holden	Minnick
Clyburn	Holt	Mitchell
Coble	Honda	Mollohan
Coffman (CO)	Hoyer	Moore (KS)
Cohen	Hunter	Moore (WI)
Cole	Issa	Moran (KS)
Conaway	Inslee	Murphy (CT)
Connolly (VA)	Israel	Murphy, Patrick
Conyers	Issa	Murtha
Cooper	Jackson (IL)	Myrick
Costa	Jackson-Lee	Nadler (NY)
Costello	(TX)	Napolitano
Courtney	Jenkins	Neal (MA)
Crenshaw	Johnson (GA)	Neugebauer
Crowley	Johnson (IL)	Nunes
Cuellar	Johnson, E. B.	Nye
Culberson	Johnson, Sam	Oberstar
Cummings	Jones	Obey
Dahlkemper	Jordan (OH)	Olson
Davis (CA)	Kagen	Olver
Davis (IL)	Kanjorski	Ortiz
Davis (KY)	Kaptur	Owens
Davis (TN)	Kennedy	Pallone
DeFazio	Kildee	Pascarell
DeGette	Kilpatrick (MI)	Pastor (AZ)
DeLauro	Kilroy	Paul
Dent	Kind	Paulsen
Diaz-Balart, L.	King (IA)	Payne
Diaz-Balart, M.	King (NY)	Pence
Dicks	Kingston	Perlmutter
Dingell	Kirk	Perriello
Doggett	Kirkpatrick (AZ)	Peters
Donnelly (IN)	Kissell	Peterson
Doyle	Klein (FL)	Petri
Dreier	Kline (MN)	Pingree (ME)
Driehaus	Kosmas	Pitts
Duncan	Kratovil	Platts
Edwards (MD)	Kucinich	Poe (TX)
Edwards (TX)	Lamborn	Polis (CO)
Ehlers	Lance	Pomeroy
Ellison	Langevin	Posey
Ellsworth	Larsen (WA)	Price (GA)
Emerson	Larson (CT)	Price (NC)
Engel	Latham	Putnam
Eshoo	LaTourette	Quigley
Etheridge	Latta	Rahall
Fallin	Lee (CA)	Rangel
Farr	Lee (NY)	Rehberg
Fattah	Levin	Reichert
Filner	Lewis (CA)	Reyes
Flake	Lewis (GA)	Richardson
Fleming	Linder	Rodriguez
Forbes	Lipinski	Roe (TN)
Fortenberry	LoBiondo	Rogers (AL)
Foster	Loeb sack	Rogers (KY)
Fox	Lofgren, Zoe	Rogers (MI)
Fox	Lowey	Rohrabacher
Frank (MA)	Lucas	Rooney
Franks (AZ)	Luetkemeyer	Ros-Lehtinen
Frelinghuysen	Lujan	Roskam
Fudge	Lummis	Ross
Gallegly	Lungren, Daniel	Rothman (NJ)
Garamendi	E.	Roybal-Allard
Garrett (NJ)	Lynch	Royce
Gerlach	Mack	Ruppersberger
Giffords	Maffei	Rush
Gingrey (GA)	Maloney	Ryan (OH)
Gohmert	Manzullo	Ryan (WI)
Goodlatte	Marchant	Salazar
Gordon (TN)	Markley (CO)	Sanchez, Linda
Granger	Markley (MA)	T.
Graves	Marshall	Sanchez, Loretta
Grayson	Massa	Sarbanes
Green, Al	Matheson	Scalise
Green, Gene	Matsui	Schakowsky
Griffith	McCarthy (CA)	Schauer
Grijalva	McCarthy (NY)	Schiff
Guthrie	McCaul	Schmidt
Gutierrez	McClintock	Schwartz
Hall (NY)	McCollum	Scott (GA)
Hall (TX)	McCotter	Scott (VA)
Halvorson	McDermott	Sensenbrenner
Hare	McGovern	Serrano
Harman	McHenry	Sessions
Harper	McIntyre	Sestak
Hastings (FL)	McKeon	Shadegg
Hastings (WA)	McMahon	Shea-Porter
Heinrich	McMorris	Sherman
Heller	Rodgers	Shimkus
Hensarling	McNerney	Shuler
Herger	Meek (FL)	Shuster
Herse	Meeks (NY)	Simpson
Higgins	Mica	Sires
Hill	Michaud	Skelton
Himes	Miller (FL)	Slaughter
Hinojosa	Miller (MI)	Smith (NE)
Hirono	Miller (NC)	Smith (NJ)
Hodes	Miller, Gary	Smith (TX)

Smith (WA)	Thornberry	Waters
Snyder	Tiahrt	Watson
Souder	Tiberi	Watt
Space	Tierney	Waxman
Speier	Titus	Weiner
Spratt	Tonko	Welch
Stark	Towns	Westmoreland
Stearns	Tsongas	Whitfield
Stupak	Turner	Wilson (OH)
Sullivan	Upton	Wilson (SC)
Sutton	Van Hollen	Wittman
Tanner	Velázquez	Wolf
Taylor	Visclosky	Woolsey
Teague	Walden	Wu
Terry	Walz	Yarmuth
Thompson (CA)	Wamp	Young (FL)
Thompson (MS)	Wasserman	
Thompson (PA)	Schultz	

#### NOT VOTING—19

Aderholt	Deal (GA)	Radanovich
Barrett (SC)	Gonzalez	Schock
Barrow	Hinchey	Schrader
Bishop (UT)	Melancon	Wexler
Cao	Moran (VA)	Young (AK)
Capuano	Murphy (NY)	
Davis (AL)	Murphy, Tim	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1242

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 914 had I been present, I would have voted "yea."

#### CONGRATULATING THE SAILORS OF THE UNITED STATES SUBMARINE FORCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 129, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 129.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 915]

YEAS—412

Abercrombie	Becerra	Boucher
Ackerman	Berkley	Boustany
Adler (NJ)	Berman	Boyd
Akin	Berry	Brady (PA)
Alexander	Biggert	Brady (TX)
Altmire	Bilirakis	Braley (IA)
Andrews	Bishop (GA)	Bright
Arcuri	Bishop (NY)	Brown (GA)
Austria	Blumenauer	Brown (SC)
Baca	Blunt	Brown, Corrine
Bachmann	Bocchieri	Brown-Waite,
Bachus	Boehner	Ginny
Baird	Bonner	Buchanan
Baldwin	Bono Mack	Burgess
Bartlett	Boozman	Burton (IN)
Barton (TX)	Boren	Butterfield
Bean	Boswell	Buyer



Calvert  
Camp  
Campbell  
Cantor  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez

Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock

McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)

Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt

Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez

Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the resolution, H. Res. 861, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 916]

YEAS—417

Abercrombie  
Ackerman  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Doyle  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Bocciari  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney

Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez

Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre

#### NOT VOTING—22

Aderholt  
Barrett (SC)  
Barrow  
Bilbray  
Bishop (UT)  
Blackburn  
Cao  
Capuano  
Davis (AL)  
Deal (GA)  
Gonzalez  
King (IA)  
Melancon  
Moran (VA)  
Murphy, Tim  
Putnam  
Radanovich  
Ryan (OH)  
Schakowsky  
Schrader  
Wexler  
Young (AK)

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1249

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and of all who serve in our Armed Forces and their families.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BLUMENAUER). Without objection, 5-minute voting will continue.

There was no objection.

#### MILITARY FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 861, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

McKeon Price (GA) Smith (NE)  
 McMahon Price (NC) Smith (NJ)  
 McMorris Putnam Smith (TX)  
 Rodgers Quigley Smith (WA)  
 McNerney Rahall Snyder  
 Meek (FL) Rangel Souder  
 Meeks (NY) Rehberg Space  
 Mica Reichert Speier  
 Michaud Reyes Spratt  
 Miller (FL) Richardson Stark  
 Miller (MI) Rodriguez Stearns  
 Miller (NC) Roe (TN) Stupak  
 Miller, Gary Rogers (AL) Sullivan  
 Miller, George Rogers (KY) Sutton  
 Minnick Rogers (MI) Tanner  
 Mitchell Rohrabacher Taylor  
 Mollohan Rooney Teague  
 Moore (KS) Ros-Lehtinen Terry  
 Moore (WI) Roskam Thompson (CA)  
 Moran (KS) Ross Thompson (MS)  
 Murphy (CT) Rothman (NJ) Thompson (PA)  
 Murphy (NY) Roybal-Allard Thornberry  
 Murphy, Patrick Royce Tiahrt  
 Murtha Rumpersberger Tiberi  
 Nadler (NY) Rush Tierney  
 Napolitano Ryan (OH) Titus  
 Neal (MA) Ryan (WI) Tonko  
 Neugebauer Salazar Towns  
 Nunes Sanchez, Linda Tsongas  
 Nye T. Turner  
 Oberstar Sanchez, Loretta Upton  
 Obey Sarbanes Van Hollen  
 Olson Scalise Velázquez  
 Olver Schakowsky Visclosky  
 Ortiz Schauer Walden  
 Owens Schiff Walz  
 Pallone Schmidt Wamp  
 Pascrell Schock Wasserman  
 Pastor (AZ) Schwartz Schultz  
 Paul Scott (GA) Waters  
 Paulsen Scott (VA) Watson  
 Payne Sensenbrenner Watt  
 Pence Serrano Waxman  
 Perlmutter Sessions Weiner  
 Perriello Sestak Welch  
 Peters Shadegg Westmoreland  
 Peterson Shea-Porter Whitfield  
 Petri Sherman Wilson (OH)  
 Pingree (ME) Shimkus Wilson (SC)  
 Pitts Shuler Wittman  
 Platts Shuster Wolf  
 Poe (TX) Simpson Woolsey  
 Polis (CO) Sires Wu  
 Pomeroy Skelton Yarmuth  
 Posey Slaughter Young (FL)

## NOT VOTING—17

Aderholt Davis (AL) Myrick  
 Barrett (SC) Deal (GA) Radanovich  
 Barrow Gonzalez Schrader  
 Bishop (UT) Melancon Wexler  
 Cantor Moran (VA) Young (AK)  
 Capuano Murphy, Tim

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1300

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Resolution supporting the goals and ideals of Military Family Month”.

A motion to reconsider was laid on the table.

## RECOGNIZING IMPORTANCE OF TEACHING STUDENTS ABOUT VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 897, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 897.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 917]

YEAS—419

Abercrombie Costa Hill  
 Ackerman Costello Himes  
 Adler (NJ) Courtney Hinchey  
 Akin Crenshaw Hinojosa  
 Alexander Crowley Hirono  
 Altmire Cuellar Hodes  
 Andrews Culberson Hoekstra  
 Arcuri Cummings Holden  
 Austria Dahlkemper Holt  
 Baca Davis (CA) Honda  
 Bachmann Davis (IL) Hoyer  
 Bachus Davis (KY) Hunter  
 Baird Davis (TN) Inglis  
 Baldwin DeFazio Inslee  
 Bartlett DeGette Israel  
 Barton (TX) Delahunt Issa  
 Bean DeLauro Jackson (IL)  
 Becerra Dent Jackson-Lee  
 Berkeley Diaz-Balart, L. (TX)  
 Berman Diaz-Balart, M. Jenkins  
 Berry Dicks Johnson (GA)  
 Biggert Dingell Johnson (IL)  
 Bilbray Doggett Johnson, E. B.  
 Bilirakis Donnelly (IN) Johnson, Sam  
 Bishop (GA) Doyle Jones  
 Bishop (NY) Dreier Jordan (OH)  
 Blackburn Driehaus Kagen  
 Blumenauer Duncan Kanjorski  
 Blunt Edwards (MD) Kaptur  
 Boccieri Edwards (TX) Kennedy  
 Boehner Ehlers Kildee  
 Bonner Ellison Kilpatrick (MI)  
 Bono Mack Ellsworth Kilroy  
 Boozman Emerson Kind  
 Boren Engel King (IA)  
 Boswell Eshoo King (NY)  
 Boucher Etheridge Kingston  
 Boustany Fallin Kirk  
 Boyd Farr Kirkpatrick (AZ)  
 Brady (PA) Fattah Kissell  
 Brady (TX) Filner Klein (FL)  
 Braley (IA) Flake Kline (MN)  
 Bright Fleming Kosmas  
 Broun (GA) Forbes Kratovil  
 Brown (SC) Fortenberry Kucinich  
 Brown, Corrine Foster Lamborn  
 Brown-Waite, Foxx Lance  
 Ginny Frank (MA) Langevin  
 Buchanan Franks (AZ) Larsen (WA)  
 Burgess Frelinghuysen Larson (CT)  
 Burton (IN) Fudge Latham  
 Butterfield Gallegly LaTourette  
 Buyer Garamendi Latta  
 Calvert Garrett (NJ) Lee (CA)  
 Camp Gerlach Lee (NY)  
 Campbell Giffords Levin  
 Cao Gingrey (GA) Lewis (CA)  
 Capito Gohmert Lewis (GA)  
 Capps Goodlatte Linder  
 Cardoza Gordon (TN) Lipinski  
 Carnahan Granger LoBiondo  
 Carney Graves Loebsock  
 Carson (IN) Grayson Lofgren, Zoe  
 Carter Green, Al Lowey  
 Cassidy Green, Gene Lucas  
 Castle Griffith Luetkemeyer  
 Castor (FL) Grijalva Lujan  
 Chaffetz Guthrie Lummis  
 Chandler Gutierrez Lungren, Daniel  
 Childers Hall (NY) E.  
 Chu Hall (TX) Lynch  
 Clarke Halvorson Mack  
 Clay Hare Maffei  
 Cleaver Harman Maloney  
 Clyburn Harper Manzullo  
 Coble Hastings (FL) Marchant  
 Coffman (CO) Hastings (WA) Markey (CO)  
 Cohen Heinrich Markey (MA)  
 Cole Heller Marshall  
 Conaway Hensarling Massa  
 Connolly (VA) Herger Matheson  
 Conyers Herseht Sandlin Matsui  
 Cooper Higgins McCarthy (CA)

McCarthy (NY) Pitts Sires  
 McCaul Platts Skelton  
 McClintock Poe (TX) Slaughter  
 McCollum Polis (CO) Smith (NE)  
 McCotter Pomeroy Smith (NJ)  
 McDermott Posey Smith (TX)  
 McGovern Price (GA) Smith (WA)  
 McHenry Price (NC) Snyder  
 McIntyre Putnam Souder  
 McKeon Quigley Space  
 McMahon Rahall Speier  
 McMorris Rangel Spratt  
 Rodgers Rehberg Stark  
 McNerney Reichert Stearns  
 Meek (FL) Reyes Stupak  
 Meeks (NY) Richardson Sullivan  
 Mica Rodriguez Sutton  
 Michaud Roe (TN) Tanner  
 Miller (FL) Rogers (AL) Taylor  
 Miller (MI) Rogers (KY) Teague  
 Miller (NC) Rogers (MI) Terry  
 Miller, Gary Rohrabacher Thompson (CA)  
 Miller, George Rooney Thompson (MS)  
 Minnick Ros-Lehtinen Thompson (PA)  
 Mitchell Roskam Thornberry  
 Mollohan Ross Tiahrt  
 Moore (KS) Rothman (NJ) Tiberi  
 Moore (WI) Roybal-Allard Tierney  
 Moran (KS) Royce Titus  
 Murphy (CT) Rumpersberger Tonko  
 Murphy (NY) Rush Towns  
 Murphy, Patrick Ryan (OH) Tsongas  
 Murtha Ryan (WI) Turner  
 Myrick Salazar Upton  
 Nadler (NY) Sanchez, Linda Van Hollen  
 Napolitano T. Velázquez  
 Neal (MA) Sanchez, Loretta Visclosky  
 Neugebauer Sarbanes Walden  
 Nunes Scalise Walz  
 Nye Schakowsky Wamp  
 Oberstar Schauer Wasserman  
 Obey Schiff Schultz  
 Olson Schmidt Waters  
 Olver Schock Watson  
 Ortiz Schrader Watt  
 Owens Schwartz Waxman  
 Pallone Scott (GA) Weiner  
 Pascrell Scott (VA) Welch  
 Pastor (AZ) Sensenbrenner Westmoreland  
 Paul Serrano Whitfield  
 Paulsen Sessions Wilson (OH)  
 Payne Sestak Wilson (SC)  
 Pence Shadegg Wittman  
 Perlmutter Shea-Porter Wolf  
 Perriello Sherman Woolsey  
 Peters Shimkus Wu  
 Peterson Shuler Yarmuth  
 Petri Shuster Young (FL)  
 Pingree (ME) Simpson

## NOT VOTING—15

Aderholt Capuano Moran (VA)  
 Barrett (SC) Davis (AL) Murphy, Tim  
 Barrow Deal (GA) Radanovich  
 Bishop (UT) Gonzalez Wexler  
 Cantor Melancon Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1307

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GEORGE KELL POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3634.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3634.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

# RECORDED VOTE

Mr. HARE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 19, as follows:

[Roll No. 918]

# AYES—415

Abercrombie	Conaway	Heinrich
Ackerman	Connolly (VA)	Heller
Adler (NJ)	Conyers	Hensarling
Akin	Cooper	Herger
Alexander	Costa	Herseth Sandlin
Altmire	Costello	Higgins
Andrews	Courtney	Hill
Arcuri	Crenshaw	Himes
Austria	Crowley	Hinchee
Baca	Cuellar	Hinojosa
Bachmann	Culberson	Hirono
Bachus	Cummings	Hodes
Baird	Dahlkemper	Hoekstra
Baldwin	Davis (CA)	Holden
Bartlett	Davis (IL)	Holt
Barton (TX)	Davis (KY)	Honda
Bean	Davis (TN)	Hoyer
Becerra	DeFazio	Hunter
Berkley	DeGette	Inglis
Berman	Delahunt	Inslee
Berry	DeLauro	Israel
Biggart	Dent	Issa
Bilbray	Diaz-Balart, L.	Jackson (IL)
Bilirakis	Diaz-Balart, M.	Jackson-Lee
Bishop (GA)	Dicks	(TX)
Bishop (NY)	Dingell	Jenkins
Blackburn	Doggett	Johnson (GA)
Blumenauer	Donnelly (IN)	Johnson (IL)
Blunt	Doyle	Johnson, E. B.
Boccieri	Dreier	Johnson, Sam
Boehner	Driehtaus	Jones
Bonner	Duncan	Jordan (OH)
Bono Mack	Edwards (MD)	Kagen
Boozman	Edwards (TX)	Kanjorski
Boren	Ehlers	Kaptur
Boswell	Ellison	Kennedy
Boucher	Ellsworth	Kildee
Boustany	Emerson	Kilpatrick (MI)
Boyd	Engel	Kilroy
Brady (PA)	Etheridge	Kind
Brady (TX)	Fallin	King (IA)
Braley (IA)	Farr	King (NY)
Bright	Fattah	Kingston
Broun (GA)	Filner	Kirk
Brown (SC)	Flake	Kirkpatrick (AZ)
Brown, Corrine	Fleming	Kissell
Brown-Waite,	Forbes	Klein (FL)
Ginny	Fortenberry	Kline (MN)
Buchanan	Foster	Kosmas
Burgess	Fox	Kratovil
Burton (IN)	Frank (MA)	Kucinich
Butterfield	Franks (AZ)	Lamborn
Buyer	Frelinghuysen	Lance
Calvert	Fudge	Langevin
Camp	Gallely	Larsen (WA)
Campbell	Garrett (NJ)	Larson (CT)
Cao	Gerlach	Latham
Capito	Giffords	LaTourette
Capps	Gingrey (GA)	Latta
Cardoza	Gohmert	Lee (CA)
Carnahan	Goodlatte	Lee (NY)
Carney	Gordon (TN)	Levin
Carson (IN)	Granger	Lewis (CA)
Carter	Graves	Lewis (GA)
Cassidy	Grayson	Linder
Castle	Green, Al	Lipinski
Castor (FL)	Green, Gene	LoBiondo
Chaffetz	Griffith	Loeb
Chandler	Grijalva	Lofgren, Zoe
Childers	Guthrie	Lowe
Chu	Gutierrez	Lucas
Clarke	Hall (NY)	Luetkemeyer
Clay	Hall (TX)	Lujan
Cleaver	Halvorson	Lummis
Clyburn	Hare	Lungren, Daniel
Coble	Harman	E.
Coffman (CO)	Harper	Lynch
Cohen	Hastings (FL)	Mack
Cole	Hastings (WA)	Maffei

Maloney	Perlmutter	Shimkus
Manzullo	Perriello	Shuler
Marchant	Peters	Shuster
Markey (CO)	Peterson	Simpson
Markey (MA)	Petri	Sires
Marshall	Pingree (ME)	Skelton
Massa	Pitts	Slaughter
Matheson	Platts	Smith (NE)
Matsui	Poe (TX)	Smith (NJ)
McCarthy (CA)	Polis (CO)	Smith (TX)
McCarthy (NY)	Pomeroy	Smith (WA)
McCaul	Posey	Snyder
McClintock	Price (GA)	Souder
McCollum	Price (NC)	Space
McCotter	Putnam	Spratt
McDermott	Quigley	Stark
McGovern	Rahall	Stearns
McHenry	Rangel	Stupak
McIntyre	Rehberg	Sullivan
McKeon	Reichert	Sutton
McMahon	Reyes	Tanner
McNerney	Richardson	Taylor
Meek (FL)	Rodriguez	Teague
Meeks (NY)	Roe (TN)	Terry
Mica	Rogers (AL)	Thompson (CA)
Michaud	Rogers (KY)	Thompson (MS)
Miller (FL)	Rogers (MI)	Thompson (PA)
Miller (MI)	Rohrabacher	Thornberry
Miller (NC)	Rooney	Tiahrt
Miller, Gary	Ros-Lehtinen	Tiberi
Miller, George	Roskam	Tierney
Minnick	Ross	Titus
Mitchell	Rothman (NJ)	Tonko
Mollohan	Roybal-Allard	Towns
Moore (KS)	Royce	Tsongas
Moore (WI)	Ruppersberger	Turner
Moran (KS)	Rush	Upton
Murphy (CT)	Ryan (OH)	Van Hollen
Murphy (NY)	Ryan (WI)	Velázquez
Murphy, Patrick	Salazar	Visclosky
Murtha	Sánchez, Linda	Walden
Myrick	T.	Walz
Nadler (NY)	Sanchez, Loretta	Wamp
Napolitano	Sarbanes	Wasserman
Neal (MA)	Scalise	Schultz
Neugebauer	Schakowsky	Waters
Nunes	Schauer	Watson
Nye	Schiff	Watt
Oberstar	Schmidt	Waxman
Obey	Schock	Weiner
Olson	Schrader	Welch
Oliver	Schwartz	Westmoreland
Ortiz	Scott (GA)	Whitfield
Owens	Scott (VA)	Wilson (OH)
Pallone	Sensenbrenner	Wilson (SC)
Pascarella	Serrano	Wittman
Pastor (AZ)	Sessions	Wolf
Paul	Sestak	Woolsey
Paulsen	Shadegg	Wu
Payne	Shea-Porter	Yarmuth
Pence	Sherman	Young (FL)

# NOT VOTING—19

Aderholt	Deal (GA)	Moran (VA)
Barrett (SC)	Eshoo	Murphy, Tim
Barrow	Garamendi	Radanovich
Bishop (UT)	Gonzalez	Speier
Cantor	McMorris	Wexler
Capuano	Rodgers	Young (AK)
Davis (AL)	Melancon	

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1314

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall Nos. 914, 915, 916, 917, and 918 I was unavoidably detained.

Had I been present I would have voted “yea” on rollcall No. 914; “yea” on rollcall No. 915; “yea” on rollcall No. 916; “yea” on rollcall No. 917; and “aye” on rollcall No. 918.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent to have my name removed from H. Res. 648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1315

# REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3980

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act”.

# SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

# “SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

“(a) IN GENERAL.—The Administrator shall, for grants under sections 2003 and 2004 and any other grants specified by the Administrator, submit a report to the appropriate committees of Congress by not later than 120 days after the date of the enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, and by October 1st every 2 years thereafter, that—

“(1) identifies redundant rules, regulations, and requirements for reporting by recipients of such grants, and includes a plan for eliminating such identified redundancies and requirements;

“(2) includes a plan for developing and improving the performance metrics required under section 2022(a)(4) for such grants; and

“(3) includes an assessment of each program under which such grants are awarded.

“(b) PLAN REQUIREMENTS.—Each plan under subsection (a)—

“(1) shall be developed in coordination with State, local, tribal, and territorial governments; and

“(2) shall include a proposed timeline for actions to implement the plan.

“(c) PROGRAM ASSESSMENT REQUIREMENTS.—Each program assessment under subsection (a)(3) shall include—

“(1) a brief summary of the program purposes, objectives, and performance goals, and of the key findings of the assessment;

“(2) an assessment of the quality of the program's performance metrics, and the extent to which necessary performance data are collected;

“(3) a summary of how the program's strengths and weaknesses are impeding or contributing to its failures or successes, including reasons for any substantial variation from the targeted level of performance of the program;

“(4) a description of the extent to which any trends, developments, or emerging conditions affect the need to change the mission of the program or the way that the program is being carried out;

“(5) an identification of the best practices used in the program for allocating resources in an efficient and effective manner that resulted in positive outcomes and the key reasons why such practices resulted in positive outcomes;

“(6) recommendations for program modifications to improve the results that the program achieves;

“(7) a summary of key results of the program assessment that support maximizing the amount of funds appropriated for the program; and

“(8) an assessment of the quality of customer service offered to recipients of funds under the program and a strategy for improving such service.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title XX the following new item: “Sec. 2023. Identification of reporting redundancies and development of performance metrics.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

Mr. Speaker, Congress instructed FEMA in the Post-Katrina Emergency Management Reform Act of 2006 and in the Implementing Recommendations of the 9/11 Commission Act of 2007 to develop performance metrics for its homeland security grants programs. As the House Committee on Homeland Security discovered in our October 27 subcommittee hearing I held with my ranking member hearing on emergency communications, these requirements

remain poorly implemented and difficult to comprehend. What is most disconcerting is that FEMA still cannot determine our Nation's overall preparedness or how homeland security grants have helped to protect our Nation from acts of terrorism.

It is for these reasons that I come to you today to ask for your support of H.R. 3980, the Redundancy Elimination and Enhancement Performance for Preparedness Grants Act. This legislation would require FEMA to work in conjunction with State, local, tribal and territorial stakeholders to develop a plan to do the following things:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Create a strategy including a timetable for establishing the much-needed performance metrics for grant programs to ensure that the funds are being directed to the areas where they will be best spent;

Require FEMA to take an inventory of each of the homeland security grant programs to include the purpose, objectives and performance goals for each.

The plan will be submitted to the appropriate congressional committees no later than 120 days after the bill's enactment.

It will be updated biannually to ensure that the committee is able to maintain a watchful eye and the oversight on redundancies in the law that might confuse the grant recipients at the local level.

This bill will help identify inefficiencies with the DHS grants programs and this bill will increase the quality of service received by DHS grant recipients.

I urge all of my colleagues to support this important legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 1, 2009.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3980, the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act”.

H.R. 3980 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3980.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3980 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 3980 and in the CONGRESSIONAL RECORD consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, December 1, 2009.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and Infrastructure, House of Representatives,  
Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 3980, the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act,” introduced by Congressman HENRY CUELLAR on November 2, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that the Committee on Transportation and Infrastructure has a jurisdictional interest in certain provisions of H.R. 3980. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 3980 and in the CONGRESSIONAL RECORD during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

I reserve the balance of my time, Mr. Speaker.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3980, sponsored by my good friend from Texas (Mr. CUELLAR) who I'm pleased to serve with on the Emergency Communications, Preparedness, and Response Subcommittee.

Since 2006, Congress has mandated FEMA to measure the Nation's level of preparedness, as well as the effectiveness of State and local homeland security grant programs administered by FEMA. Both the Post-Katrina Reform Act of 2006 and the 9/11 Act of 2007 require FEMA to develop metrics that can be used to identify and close gaps in preparedness with homeland security resources. These include the Comprehensive Assessment System, the Target Capabilities List, and the State Preparedness Report.

Unfortunately, the various preparedness metrics developed since 2006 have not been properly integrated by FEMA, resulting in duplicative reporting requirements that put an undue burden

on State and local governments. State and local homeland security grant programs are essential to achieving and maintaining preparedness capabilities, and they can be strengthened and improved with input from stakeholders and the establishment of sound performance metrics.

This bill seeks to improve the way grant programs are administered and managed by FEMA, and will ensure that Congress is informed of the ongoing planning at FEMA for improving measures of preparedness and eliminating duplicative requirements placed on grantees.

I urge my colleagues to support the measure, and I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you heard, this is commonsense legislation that will streamline FEMA's efforts to enhance our Nation's preparedness and response capacity. All we're trying to do is to make sure that we get rid of any unnecessary rules and regulations that cause our local folks problems. Number two, we're also trying to make sure that we measure the results. If we're going to spend billions of dollars on grants, we've just got to make sure that we measure those particular results.

The bottom line is, Mr. Speaker, we're trying to focus on the customers, and the customers are the recipients of these grants. I certainly want to thank our ranking member, Mr. ROGERS. He's done an outstanding job there in the committee. I look forward to working with him not only on this legislation to make it law but certainly on other pieces of legislation. I urge all my colleagues to vote "aye."

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3980, the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act."

This legislation, introduced by Mr. CUELLAR, the Chairman of the Subcommittee on Emergency Communications, Preparedness and Response, requires FEMA to assess the performance of its homeland security grant program and work towards addressing any identified deficiencies.

The legislation was developed based on finding from an October subcommittee hearing where FEMA testified as to the status of the agency's efforts to establish performance measurements for preparedness grants.

At the hearing, we learned that that FEMA's efforts to implement statutory performance metrics-related requirements are fragmented and poorly integrated. As a result, FEMA is unable to measure how the \$29 billion in homeland security grants appropriated since 2002 have improved the nation's overall level of preparedness. Without these much needed performance metrics, FEMA continues to impose redundant grant reporting requirements on State and local governments including those in my home State of Mississippi.

Not only are these redundant reporting requirements costly and time-consuming for State and local officials to prepare, but there is significant evidence that, taken together,

they still do not provide FEMA with information necessary to measure the return on investment from federal grants.

Although there have been some improvements in FEMA's administration of homeland security grants, such as the improvements in grant guidance and technical assistance provided to State and local applicants, we still have a ways to go.

H.R. 3980 would complement these efforts by directing FEMA to work with State and local stakeholders to identify and eliminate these redundant grant reporting requirements.

Specifically, H.R. 3980 would eliminate much of the red-tape and improve the performance of FEMA grant programs. The bill requires FEMA to develop a strategy, with timelines, to establish performance metrics for its homeland security grants and provides direction to complete a program assessment of its homeland security grants. These steps are designed to improve the agency's performance, productivity and accountability to the taxpayers. It will also provide Congress with better information on FEMA's performance to allow us to conduct more effective oversight and ensure that taxpayer money is being used efficiently and effectively.

Again, thank you for the consideration of this important legislation.

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, I rise today in strong support of H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act. This legislation directs FEMA to streamline its grants reporting process to make it more efficient and informative, and it eliminates redundant requests for information.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman CUELLAR, who worked so hard authoring this important legislation holding FEMA accountable for our taxpayer dollars.

Mr. Speaker, on October 27, as a member of the Subcommittee on Emergency Communication, Preparedness, and Response, I heard testimony from both FEMA officials and state and local government officials about the new grants tracking program currently being tested. State and local officials, including the mayor of Los Angeles in my home state of California, urged the federal government to reconsider their use of this program. In the words of the mayor, "all the reports that it generates provide no guidance or value for assessing homeland security investments."

H.R. 3980 directs FEMA to identify and address the problems it is experiencing with grants reporting and tracking. This legislation is almost a direct response to the concerns raised to Congressman CUELLAR and me by the mayor of Los Angeles about the FEMA grants reporting process. I am proud that this legislation addresses those concerns. When it comes to homeland security and taxpayer dollars, we simply cannot afford to be wasting time or money on programs that offer no guidance or value. So I am pleased to champion H.R. 3980, which addresses this problem.

In conclusion, Mr. Speaker, I support this bill because it will make our grant process more efficient and informative. Redundant reporting requirements will be eliminated, and communities and organizations will be able to better focus on doing the work they need to do to keep our nation safe.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3980.

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUELLAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ENHANCING SECURITY TO RAIL AND MASS TRANSIT LINES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 28) expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 28

*Whereas the Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation's rail and mass transit systems and other modes of surface transportation against terrorist attack as a result of expertise developed over six years of securing our Nation's commercial air transportation system;*

*Whereas the successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to secure our Nation's transportation systems against terrorist attack by preventing and protecting against explosives threats;*

*Whereas each weekday 11,300,000 passengers depend on our Nation's mass transit systems as a means of transportation;*

*Whereas rail and mass transit systems serve as an enticing target for terrorists and terrorist organizations, such as Al Qaeda, as evidenced by the March 11, 2004, attack on the Madrid, Spain, rail system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, and November 26, 2008, attacks on the Mumbai, India, rail system;*

*Whereas the Transportation Security Administration Authorization Act of 2009, which was passed by the House of Representatives on June 4, 2009, in an overwhelming and bipartisan manner, expresses Congress' commitment to bolstering the security of rail and mass transit systems; and*

*Whereas securing our Nation's rail and mass transit systems against terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy: Now, therefore, be it*

*Resolved*, That it is the sense of the House of Representatives that the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) and the Transportation Security Administration Authorization Act of 2009 (H.R. 2200 in the 111th Congress);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit systems, with particular attention to the application of its training standards and the establishment of a reliable source of domestically bred canines;

(3) improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing our surface transportation systems against terrorist attack are highly trained in both securing those systems against terrorist attack and professional relations with the traveling public; and

(4) continue to secure our Nation's mass transit and rail systems against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's rail and mass transit systems and prevent the disruption of rail lines critical to our Nation's economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

Mr. Speaker, House Resolution 28 expresses the sense of the House of Representatives that TSA should increase and enhance its efforts to secure rail and mass transit systems in ways that are consistent with the 9/11 Act and H.R. 2200.

Let me first of all say, Mr. Speaker, that in addition to this legislation, as we stand on the floor today and watch the actions in Afghanistan and Pakistan, as we see the world changing from Mumbai to Madrid, we recognize the crucialness of national security and homeland security. And so this legislation is to emphasize the importance of expanding our oversight and response to the idea of mass transit and rail transportation.

I introduced this resolution because deadlines in the 9/11 Act have passed

without being satisfied, which is inexcusable given the risks faced by our Nation's rail and mass transit systems. In addition, I authored H.R. 2200, the TSA authorization bill, which included several elements that sought to enhance TSA's surface transportation efforts. That bill passed in an overwhelmingly bipartisan manner earlier this year. As we wait for our friends in the Senate to act on H.R. 2200, I believe that the House agreeing to this resolution recommit to our goal of TSA securing these modes of transportation.

Let me first of all acknowledge the professional men and women that work for the Transportation Security Administration. I am gratified to know that progress is being made of a new administrator for that agency. I've worked very hard in H.R. 2200 to focus on their professionalism. But they need tools and they need the tools that will allow us to focus on the security of these important elements of transportation, and, as well, the job engine of our community and our Nation.

Many Americans use mass transit. Many Americans use rail. Any irreversible, tragic terrorist act can impact the economy of this Nation. As we were reminded by the tragic events in Russia over the weekend and in other cities around the world over the last several years, rail and mass transit systems are prime targets for terrorist acts. When they're shut down, the economy can shut down.

This resolution recognizes TSA as being uniquely positioned to lead Federal efforts to secure our Nation's rail and mass transit systems, and recognizes the National Explosives Detection Canine Team Program as a valuable resource, which my friend from Alabama has worked on. I might also say that this effort today, this resolution, is also to save lives. As such, it is critical that TSA's security efforts share our commitment to securing these systems.

I urge my colleagues to join me in supporting this resolution and send a message about the importance of protecting our people, our infrastructure, and our economy.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 28, sponsored by my friend and the gentlewoman from Texas (Ms. JACKSON-LEE). We know the Nation's surface transportation systems are designed for accessibility and efficiency, making them vulnerable to terrorist attack. When hardening the transportation sector from terrorist attack, we must construct and finance a system of deterrence, protection and response that effectively reduces the possibility and consequences of another terrorist attack without unduly interfering with travel, commerce and civil liberties.

In the 9/11 Act of 2007, Congress mandated that DHS take certain steps to ensure the security of our Nation's

public transportation systems. More than 2 years later, a number of mandates have gone unmet by the department, and this resolution expresses the sense of Congress that DHS should actually implement those mandates. It is time for DHS to move beyond the transportation sector-specific plans that identify and evaluate risk, to implementing risk reduction measures.

This resolution resolves that TSA should continue to enhance the security of mass transit and rail transportation systems, continue the development of the canine explosive detection program, and enhance on-line training programs. The resolution also takes special note that more attention is needed for school transportation systems.

With that, Mr. Speaker, I would urge my colleagues to vote for this, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I'd like to thank the staff of the Homeland Security Committee, and as well, the staff director of the Transportation Security Committee, Mike Beland, and acknowledge the chairman of the committee for working with me and acknowledging the importance of this particular amendment and this bill.

Let me just say, as I close, we have already enunciated the parameters of securing mass transit and rail. We understand that we are behind in that effort.

□ 1330

I know there are committed, dedicated members of the Homeland Security Department and efforts that are ready to go. We need to give them the tools that they can work with. Even over the last couple of days as we look at actions that may be at first glance perceived to be innocent individuals intruding into the parameters of the White House, we know that we have to be on alert, because no action should be taken in a simple or, if you will, non-serious manner.

So I stand today to say that this legislation, though a resolution, is serious because it emphasizes a commitment for tools and saving lives. I am delighted that my colleagues on the committee, in a bipartisan manner, have supported this. I'd like to acknowledge the ranking member of this committee, Mr. DENT; and I'd ask my colleagues to support this legislation, Mr. Speaker.

I believe this is a critical issue. H. Res. 28 addresses the critical issue of surface transportation, and I encourage my colleagues to vote "aye."

Mr. THOMPSON of Mississippi. Mr. Speaker, for a second consecutive year, while Americans gathered with family and friends to celebrate the Thanksgiving holiday, terrorists executed deadly attacks on innocent people that were in transit, on foreign rail systems.

Just last week, two separate bombings in Russia underscored that passenger rail systems remain enticing targets for acts of terrorism.



It has been nearly six months since this body overwhelmingly passed the legislation to authorize TSA's rail and mass transit security activities (H.R. 2200).

Unfortunately, to date, the Senate has failed to move on H.R. 2200.

The Senate also has yet to confirm a new TSA Assistant Secretary to fulfill the rail and mass transit security mandates that Congress overwhelmingly approved in 2007, with the passage of the Implementing Recommendations of the 9/11 Commission Act.

Plainly, there is still much to be done to secure rail and mass transit systems in the United States from bombings like the ones that occurred in Russia over the weekend, and other acts of terrorism.

In remembrance of those events, as well as the bombings of passenger rail and mass transit systems in Madrid, Spain; London, England; and Mumbai, India that occurred in recent years, H. Res. 28 instructs TSA to strengthen its efforts to secure rail and mass transit systems across the country and to build on existing programs that have shown promise.

This resolution recognizes TSA as being uniquely positioned to lead Federal efforts to secure rail and mass transit systems in the United States, and identifies the National Explosives Detection Canine Team Program as an effective and valuable resource.

House passage of both the 9/11 Act in 2007 and H.R. 2200 earlier this year by overwhelming majorities has emphasized the House of Representatives' commitment to strengthening security of rail and mass transit systems.

I urge my colleagues to join with me in supporting this resolution and reaffirming our strong commitment to strengthening the security of our rail and mass transit systems.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of House Resolution 28, which expresses the sense of the House of Representatives that the Transportation Security Administration (TSA) should increase and enhance its efforts to secure rail and mass transit systems in ways that are consistent with the 9/11 Act and H.R. 2200.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important resolution to the floor. I would also like to thank my colleague Congresswoman SHEILA JACKSON-LEE, who authored this resolution recognizing TSA and its programs and urging the Administration to continue its efforts protecting the infrastructure of our Nation.

11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation, and more than 25 million children depend on the school transportation system. My district, the 37th district of California, is a key transportation hub as well. Nearly 45 percent of all U.S. imports travel through the District. As such, it is critical that TSA shares our commitment to securing these systems.

H. Res. 28 recognizes TSA for leading Federal efforts to secure our Nation's rail and mass transit systems, the National Explosives Detection Canine Team Program as a valuable resource, and the successful Online Learning Center that ensures those responsible for securing against terrorist attacks on our transportation systems are highly trained. So I am happy to stand in support of H. Res. 28.

In conclusion, Mr. Speaker, I support this resolution because we cannot take the safety of our Nation's infrastructure for granted. We need to urge TSA to take all the action necessary to adequately protect our Nation and expand upon programs with a proven record of success, such as the Online Learning Center.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 28.

Ms. JACKSON-LEE of Texas. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 28, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CRIMINAL INVESTIGATIVE TRAINING RESTORATION ACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to provide specialized training to Federal air marshals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3963

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Investigative Training Restoration Act".

#### SEC. 2. FEDERAL AIR MARSHALS.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

"(e) CRIMINAL INVESTIGATIVE TRAINING PROGRAM.—

"(1) NEW EMPLOYEE TRAINING.—Not later than 30 days after the date of enactment of the Criminal Investigative Training Restoration Act, the Federal Air Marshal Service shall require Federal air marshals hired after such date to complete the criminal investigative training program at the Federal Law Enforcement Training Center as part of basic training for Federal air marshals.

"(2) EXISTING EMPLOYEES.—A Federal air marshal who has previously completed the criminal investigative training program shall not be required to repeat such program.

"(3) ALTERNATIVE TRAINING.—Not later than 3 years after the date of enactment of the Criminal Investigative Training Restoration Act, an air marshal hired before such date who has not completed the criminal investigative training program shall be required to complete a alternative training program, as determined by the Federal Law Enforcement Center, that provides the training necessary to bridge the gap between the mixed basic police training, the Federal air marshal programs already completed by the

Federal air marshal and the criminal investigative training provided through the criminal investigative training program. Any such alternative program shall be deemed to have met the standards of the criminal investigative training program.

"(4) AUTHORIZATION OF APPROPRIATIONS.—Not less than \$3,000,000 is authorized to be appropriated for each of fiscal years 2010 and 2011 to carry out this subsection.

"(5) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to reclassify Federal air marshals as criminal investigators."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

First of all, I'm grateful to the gentleman from California (Mr. DANIEL E. LUNGREN), who I have worked with before, who's worked tirelessly on this issue. I'm honored to be a cosponsor of this important legislation, and I do applaud his work.

This legislation will help to bolster the effectiveness and morale of the Federal Air Marshal Service, many of whom I visited with over my tenure as a member of the Homeland Security Committee. In my position as chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I have promoted the need to keep our modes of transportation secure and to ensure that employees of the Department of Homeland Security have professional growth opportunities and are treated fairly and given the opportunity to exercise their concern and have this Congress and this executive listen to their concerns. This bill works towards both of these important objectives.

The Federal Air Marshal Service had to quickly expand its size and efforts in the wake of attacks on September 11, 2001. This bill helps to restore more training measures in a way that is consistent with that necessary expansion. In addition, this legislation provides for potential promotion opportunities.

I would like to note that this provision was offered and rejected during the markup of H.R. 2200, the TSA authorization bill that I wrote earlier and which passed the House in a bipartisan manner. At that time I did not feel as though it contained the necessary language to ensure that it would not adversely impact the salaries and benefits of Federal air marshals. Working

with the gentleman from California, as we have promised, we were able to agree on language that eliminates my concern. I thank the gentleman for his cooperation and collaboration for a very important step forward. Accordingly, I'm confident that Federal air marshals will not—and cannot—be wrongly classified as “criminal investigators.”

Taken as a whole, this bill demonstrates a commitment to the Federal air marshals who help to keep us safe. This is a well-balanced bill that will improve the security of the traveling public.

I look forward to the bipartisan passage of H.R. 3963 and reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlelady for her gracious comments and her support of this bill. I rise in support of H.R. 3963, the Federal Air Marshals Criminal Investigative Training Restoration Act, a bill that I have authored.

Prior to 9/11, the criminal investigative training program at the Federal Law Enforcement Training Center was an essential part of the training that we have for our Federal air marshals, commonly referred to as FAMS. The events of 9/11, however, necessitated an emergency situation in which we were required to rapidly hire, train, and deploy thousands of new FAMS.

In order to meet these ambitious deployment mandates, the newly hired members of this corps, without prior Federal law enforcement experience, were not required to take the criminal investigative training program. It was not because we did not wish them to have it, but that would have delayed their deployment, and we were under an emergency situation. We realized that additional Federal air marshals were essential to the overall response to the threat we then knew to be real.

It has always been the intent of the Federal Air Marshal Service, however, to resume using the criminal investigative training program as part of the basic training for FAMS. This bill will restore the criminal investigative training program as part of the basic training for the members of this organization.

Crucial to the mission of the Federal air marshals is the ability to detect, deter, and prevent terrorists or other criminal hostile acts targeting our U.S. air carriers, airports, passengers, crew, or other transportation modes. Currently, the FAMS are required to take a mixed basic police training program and a FAMS-specific course at the Federal Law Enforcement Training Center, known as FLETC. Restoring the criminal investigative training will provide FAMS with the additional knowledge and skills required to resolve situations on the ground as well as respond to situations in-flight.

The additional training—it is 12 weeks long—includes law enforcement

interview, interrogation, and behavioral assessment skills and techniques. It will, undoubtedly, provide our Federal air marshals with improved law enforcement skills not only to fly missions, but to perform the enhanced roles with our visual intermodal protection and response teams—that is our VIPR teams—and other ground-based law enforcement. It therefore enhances the FAMS' layer of security.

Detection is the principle tool utilized by the VIPR teams to disrupt terrorist operations, and these investigative techniques are not currently taught to our Federal air marshals. It also provides the Department of Homeland Security Secretary and the TSA administrator a highly trained, agile, and motivated workforce capable of meeting the security challenges facing not only our transportation sector, but also the homeland itself.

Now, Mr. Speaker, our Federal air marshals have expressed a strong desire for advancement opportunities within the Service and the opportunity to gain greater investigative experience. This legislation affords these opportunities and is an important step in improving operations at the Federal Air Marshal Service. Restoring the criminal investigative training to the Federal Air Marshal Service would also improve morale tremendously. These are trained individuals who seek to be recognized as essential members of our overall law enforcement communities. This will give them the kind of training that will assist them not only in their job, but should they pursue other lines of employment in the world of law enforcement. This will provide them with the background which will assist in that.

The Federal Air Marshal Service supports the restoration of criminal investigative training to their membership. The Federal Law Enforcement Officers Association also supports it. However, I want to emphasize this bill does not in any way reclassify the Federal air marshals as criminal investigators, known as series 1811 employees. The bill therefore before us states expressly that nothing in the bill would be construed as reclassifying FAMS as criminal investigators. That should clear up any question of a budgetary nature with respect to this bill.

I would ask for House bipartisan support of this legislation, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, at this time I have no further speakers. I would inquire whether the gentleman is prepared to close.

Mr. DANIEL E. LUNGREN of California. I am prepared to close, as I have no further speakers. I thank the gentlelady for her support on this. I thank both sides of the aisle, both staff and members of the committee. This is a commonsense approach. It's the kind of thing that we ought to be working on together—we have worked on together here—and I hope it will pass unanimously.

With that, I would yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all thank my good friend, Mr. LUNGREN, again, for his cooperation in this effort. I'd like to reemphasize points that he has made that should be reemphasized.

One, we are gratified that we have Federal U.S. Air Marshals, and we thank them for their service. They are peace officers, as we use that terminology in Texas. They are law enforcement officers. We're gratified for that expertise. This legislation will help them add to their portfolio in training on investigation, because there is not a single action that may occur that would require their service that does not require us to have the details and the information in order to bring individuals to justice. This is important.

Might I just add that Federal air marshals have risen to the call of duty. Federal air marshals came to New Orleans, Louisiana, during Hurricane Katrina. Federal air marshals have been called upon in time of disaster, and they have answered the call.

So I think it is important to note as we stand on the floor of the House to present this legislation to enhance their training that we appreciate their service. We thank them for the sacrifice of their families as they travel internationally on behalf of the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3963, the “Criminal Investigative Training Restoration Act,” which has the potential of bolstering the effectiveness and morale of the Federal Air Marshal Service.

Specifically, this is a bipartisan bill adds the Federal Law Enforcement Training Center's criminal investigative training program to the basic training required for Federal Air Marshals.

H.R. 3963 directs the Federal Air Marshal Service to provide criminal investigative training to all newly hired FAMS within 30 days of enactment.

The bill creates a three-year window for all current FAMS to be provided this additional training.

This training was provide to FAMS prior to 2001 but was halted to allow the Federal Air Marshal Service to swiftly ramp up its workforce in response to the September 11th attacks.

Unfortunately, in the eight years since 9/11, the Transportation Security Administration has not moved forward to restore this training.

I have heard that there were some concerns that there was a risk that FAMS, by virtue of taking this course, would be reclassified as “criminal investigators.”

The legislation addresses this concern head-on by clearly stating that this such a reclassification will not occur, thereby also ensuring that the pay FAMS receive is not adversely affected.

I thank the gentleman from California, Mr. LUNGREN, for introducing this legislation and working of my colleagues to include this important provision.

I urge passage of this bipartisan bill.

Ms. JACKSON-LEE of Texas. I would ask my colleagues to support this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3963.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1345

#### EXTENDING CONDOLENCES TO FAMILIES OF SLAIN WASHINGTON OFFICERS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 939) extending condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 939

Whereas, on the morning of November 29, 2009, 4 members of the Lakewood Police Department were slain by gunfire in a senseless act of violence while preparing for their shift in Lakewood, Washington;

Whereas the 4 officers have been members of the Lakewood Police Department since its founding 5 years ago, were valuable members of the community, and were deeply respected for their service;

Whereas Sergeant Mark Renninger who served 13 years in law enforcement, first with the Tukwila Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas Officer Tina Griswold who served 14 years in law enforcement, first with the Lacey Police Department and most recently, served with the Lakewood Police Department, is survived by her husband and 2 children;

Whereas Officer Ronald Owens who served 12 years in law enforcement, first with the Washington State Patrol and most recently, served with the Lakewood Police Department, is survived by his daughter;

Whereas Officer Greg Richards who served 8 years in law enforcement, first with the Kent Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas the senseless violence against and murder of law enforcement officers, who are sworn to serve, protect, and preserve the peace of the communities, is a particularly heinous crime; and

Whereas in the face of this senseless tragedy, the people of the City of Lakewood, the surrounding communities, and the State of Washington have come together in support of the law enforcement community and the victims' families: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends its condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards; and

(2) stands with the people of Lakewood, Washington, the men and women of the Lakewood Police Department, and members of the law enforcement community as they celebrate the lives and mourn the loss of these four dedicated public servants and law enforcement heroes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

##### GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

This resolution extends condolences to the families of four Lakewood, Washington, police officers, Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards, who were senselessly slain by gunfire in the line of duty on Sunday, November 29, 2009. These brave and honorable Lakewood Police Department officers were ambushed as they sat in a local coffee shop, catching up on paperwork at the beginning of their Sunday morning shift.

By way of this resolution, the House of Representatives honors the lives and mourns the loss of these Lakewood police officers. We join the city of Lakewood and the entire State of Washington in celebrating the lives and grieving the deaths of these police officers.

Sergeant Mark Renninger was described as a "tough guy" who excelled at his job and was regarded as a leader and teacher in the close-knit Lakewood police force. He was married with three children.

Officer Tina Griswold liked to cook, ride her dirt bike, and was a certified diver. Her father is a retired police officer. She began working in law enforcement as a dispatcher and came to Lakewood 5 years ago as an officer. She leaves behind a 21-year-old daughter and a 7-year-old son.

Officer Ronald Owens, known to friends and family as Ronnie, was described as having a fun-loving personality and as someone who made everyone around him feel positive. Officer Owens leaves behind a daughter.

Officer Greg Richards enjoyed music in his spare time, playing drums in a rock band. He liked nothing better than spending time with his wife, Kelly, and his three children.

By passing this resolution, we want the families of these police officers to know that they are not alone in mourning the loss of the Lakewood officers. My first job, Mr. Speaker, was as an attorney for the police depart-

ment. I served 3½ years as an attorney for the Memphis Police Department, and I relate to the loss that the department and this Nation have suffered.

I urge all my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Washington (Mr. SMITH) for sponsoring this important legislation, and I rise in support of House Resolution 939. This resolution extends our condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards. These four police officers were members of the Lakewood, Washington, police department and were ambushed by gunfire in a murderous act of violence on November 29, 2009.

These four officers were in uniform and sitting at a table in a coffee shop near their patrol area. They were preparing for their upcoming shift when a gunman with an extensive criminal record who was out on bond for another criminal offense entered the location and suddenly fired gunshots at these officers. Two of the officers were killed immediately, another was shot when he stood up from the table, and the fourth was shot after struggling with the gunman in attempting to prevent his escape. The gunman fled but not before one of the wounded dying officers had shot him.

The gunman was found 2 days later in Seattle after he challenged yet another police officer who approached him. That police officer was a 7-year veteran of the Seattle police force who noticed a parked, stolen car that was running but unoccupied. The officer approached the suspect outside the car and asked him to show his hands, but the suspect refused and started to run around the car. The officer shot and killed the suspect to prevent his escape. The officer had recognized the gunman from photographs and identified him as the main suspect in the murders of these other officers. The gunman was carrying a service weapon taken from one of the slain officers that he had murdered.

Unfortunately, police officers and law enforcement officials sometimes go unnoticed and unappreciated by communities that they protect. So far in 2009, 111 American police officers have lost their lives in the line of duty, protecting the rest of us. These noble men and women deserve respect and gratitude from our entire Nation. Peace officers, like Sergeant Renninger, Officer Griswold, Officer Owens, and Officer Richards perform their jobs every day with the knowledge that there is a possibility that they may give their lives in service to the communities that they protect. That's an awesome sacrifice, Mr. Speaker.

As a Nation, we are grateful to peace officers who readily accept such a tremendous burden and to their families

who accept that burden as well. In the wake of this vicious tragedy, we come together in support of the law enforcement community and the families of these individuals.

Sergeant Renninger was a 13-year law enforcement veteran. He is survived by his wife and three children. Officer Griswold, a 14-year police veteran, is survived by her husband, a former deputy sheriff, and two children. Officer Owens, a 12-year veteran, is survived by his daughter. Officer Richards, an 8-year veteran, is survived by his wife and three children.

The four officers were original members of the Lakewood Police Department, which was founded just 5 years ago. They are the first officers from this department to be killed in the line of duty. As the resolution so aptly states, Members of Congress stand with the people of Lakewood, Washington, the men and women of the Lakewood Police Department, and members of the law enforcement community as they honor the lives and mourn the loss of these four dedicated public servants and law enforcement heroes.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman shall consume to Mr. SMITH from the State of Washington.

Mr. SMITH of Washington. I want to thank the Speaker and this Chamber for so quickly bringing this resolution to the floor.

As we have now heard of the tragic events of last Sunday, we are here to offer our condolences to the families, also to honor the lives and the service of the four officers who were so brutally slain, and to express our grief over their loss. They were ambushed early on Sunday morning, simply getting ready to go to work. It is a tragedy that has had a deep impact on our community. And I want to also offer my condolences to all the people in Lakewood, especially their police force and the city officials, who have been so impacted by this tragic event.

The four officers who were killed were part of the police force and all of the police officers in this country who so selflessly serve and protect all of us.

They were Sergeant Mark Renninger, who was a 13-year law enforcement veteran. He started out with the Tukwila Police Department before moving on to Lakewood. He is survived by his wife, two daughters, and a son.

Officer Tina Griswold served 14 years in law enforcement, starting with the Lacey Police Department before moving to Lakewood. She is survived by her husband and two children.

Officer Ronald Owens, who has served 12 years in law enforcement, started off with the Washington State Patrol before moving to Lakewood. He is survived by a daughter.

Officer Greg Richards served 8 years in law enforcement. He began with the Kent Police Department before going

to Lakewood. He is survived by his wife and three children.

□ 1400

It is very appropriate that Congress makes clear to the families and to all members of the law enforcement community that we stand with them in grieving their loss and honoring their service. And it is also important that we remember as often as possible what our law enforcement personnel do for us.

I had the opportunity to serve as a prosecutor for a few years and work with many of the members of our law enforcement community, and what a lot of people forget is the constant danger that they are in and the courage that it takes to do their job every day. It's easy to see a police officer on a patrol or on the beat, see them driving around, and think of the job simply in that context. But every second of every day, people who serve as police officers know the risk and danger that they are taking. And the impressive thing is they take it every single day and they do it to protect us, to give us a sense of safety and security in our community despite the danger that they face.

The tragedy in Lakewood makes that all too clear. They were simply sitting down for a cup of coffee to get their paperwork together before going on shift. That makes it clear just how much our officers are always at risk and how willingly they take that risk and protect us.

I thank the House for pausing for a few moments today to remember the service of these four officers, to honor them for that service, to grieve over their deaths, and to express condolences to their families, to all of the people in Lakewood, and to the larger law enforcement community that does so much to protect us and show so much courage in doing so.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. REICHERT), who's familiar with this law enforcement agency and, as a sheriff, represented much of this area.

Mr. REICHERT. I thank the judge for yielding.

Mr. Speaker, I know that most of the people in Washington, D.C., don't know these families that we're talking about today. The people here in Washington, D.C., don't know the children that these officers will no longer be able to parent.

But we do know police officers in Washington, D.C. We do know police officers here, the Capitol Hill Police Department and the D.C. Police Department, and we recognize the job they do every day to protect us.

Sometimes it's hard to make that connection between the men and women who wear the uniform and the sacrifices they make until it happens in your neighborhood, until it happens in your communities, until it happens to one of your neighborhood police officers, until it happens to your mother,

your father, one minute sitting having coffee at a coffee shop, the next minute gone. Three fathers and a mother coming to work to protect all of us. It happens every day on the streets of America. They put on the uniform. They know the risk.

So with this resolution today, I think it's right that we pause and think about the sacrifices that our men and women in uniform make here serving our police departments in our communities across this country, to honor the service of Mark Renninger, Tina Griswold, Ronald Owens, and Gregory Richards. We should also mention Timothy Brenton, who was killed 30 days before this event, before this tragedy. He was also assassinated in the city of Seattle and he was sitting in his police car. This can happen at any time, at any moment, to any police officer across this country.

So pausing to honor and to mourn the loss of these four Lakewood, Washington, police officers who were brutally murdered Sunday morning just after Thanksgiving, spending the week with their family, I think it's just and right that all of us here today extend our deepest sympathy, to stand in solidarity and in grief with the families, their fellow officers, their friends, and their community. The entire Nation mourns and our hearts are broken.

To those involved in the hunt for the suspect, we commend you for your hard work and your bravery. Your thorough and effective work saved the lives of other citizens and other officers from harm.

Moving forward, I hope all of you understand how hard this will be for the families. I, unfortunately, have had the duty to notify family members of their loved ones lost. It's pain and emotion that you can't imagine. These families are devastated. So, please, I would ask all of us to remember the families, and don't forget they need your support, your help, your prayers, and your love.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, next year on May 15, right here on the Capitol grounds, we will pay tribute and honor to peace officers that have been killed this year in the line of duty. Until this event in Washington State, there were 111 peace officers killed in this country in the line of duty. Now there are 115, and they will be honored and their families will be honored next year.

Having spent most of my career at the courthouse in Houston as a prosecutor and then a criminal court judge, I saw a lot of police officers come down to the courthouse. And sometimes they didn't return, and the reason was because some criminal had decided to take their life. But that is the occupation that they chose, to risk their lives for the rest of us. And we should always be mindful of the men and women that wear the uniform, those who wear

the uniform at home to protect us from domestic criminals and those who wear the uniform overseas to protect us from international criminals.

Peace officers, Mr. Speaker, are the last strand of wire in the fence between the people and the lawless. Every day they put on their uniform and they put above their heart on their chest a badge, which is really a shield, a shield that's symbolic of protecting the community from the evildoers. It goes back centuries ago. And yet they wear that shield proudly to protect us from people who wish to do us harm. And when individuals make the decision to harm those that protect us, it is an American tragedy, and the whole country mourns with the families who have lost a police officer.

So I urge that we mourn the loss of these officers, that we honor their lives and their bravery, and that we pass this resolution immediately.

Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I join with my friend from Texas in urging that we pass this resolution and that we do mourn these brave officers who lost their lives and stand with the people of Lakewood, Washington.

But I would also ask us to think about what happened, why these people lost their lives. And we may never know, but we do know that the person who killed them should have been behind bars. He was a criminal who was released from prison in Arkansas through executive clemency. And while there are certainly people who committed victimless crimes who are unnecessarily kept for long periods of times in incarceration and should have clemency or some type of executive relief, people who commit crimes of violence, as this person did, they should not be released unless there are some extra circumstances that are beyond anybody's thought that it was appropriate.

This gentleman was not reformed. He committed other crimes. He still should have been in jail.

And you've got to think about mental health. The man was a criminal, but he was also mentally ill. He had delusions that he was some type of religious figure. And we've got to think about the mental health laws that we have up here and the opportunity to fund mental health institutions and to get mental health so that people can be treated before they commit some act out of a delusional aspect of their disease.

So there are a lot of other areas we need to look into as we mourn these officers and remember 9/11 and the fire people and the police people who were killed there. And we've got to remember the issues with guns and how this man got access to a gun to commit this crime. So there are other issues that need to be looked at.

I join all the Members of the House and ask that we pass H. Res. 939 and join in mourning the loss of these four

fine law enforcement officers, but also that we continue our research into the causes of this heinous crime.

Mr. STUPAK. Mr. Speaker, I rise to honor the fallen officers of the Lakewood, Washington, Police Department and to offer my condolences to the families and colleagues of these officers.

The tragic events of November 29, 2009, took the lives of four officers who have served the Lakewood Police Department for many years. This is a loss not only to the police department, but to the law enforcement community across the country.

It is also a solemn reminder that every day, our men and women in uniform face unpredictable threats.

We must work in Congress to ensure that our police departments are always prepared, equipped, and ready to fend off these threats.

Law enforcement officers are on the front lines of protecting our communities, and we must ensure they are protected, too.

As a former police officer and a Michigan State Trooper, and the co-chairman of the Congressional Law Enforcement Caucus, I extend my condolences to the fallen, to the families, and to the police department of Lakewood, Washington.

Our thoughts and prayers are with you.

Mr. PASCRELL. Mr. Speaker, I rise today to honor the memories of the four brave officers whose lives were needlessly cut short this past week in Washington State.

All four officers were members of the Lakewood Police and were slain while preparing for their shift by Maurice Clemons, a career criminal who had been paroled from prison earlier this decade and was later killed by a Seattle police officer after a long manhunt.

We stand with all the police officers in Washington State who despite losing four of their own served with distinction and bravery to bring this killer to "justice."

I have long maintained that our first responders are the first line in our country's national defense. They are out there on the streets every day keeping our communities and our children safe from harm.

This resolution describes violence against law enforcement officers as "particularly heinous," which I think is an understatement. This kind of violence against these brave community servants is not only heinous, it's unimaginable, horrific, and unacceptable.

The Federal Government must do more to protect our police officers from these kinds of violent and malicious criminals.

Congress must look at the ways we can strengthen the penalties for these kinds of horrific crimes committed against our heroes.

Our police officers are out there every day sticking their necks out for us, and we owe it to them to do everything in our power to protect them as well.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 939.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RADIOACTIVE IMPORT DETERRENCE ACT

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 515) to prohibit the importation of certain low-level radioactive waste into the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 515

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Radioactive Import Deterrence Act".

### SEC. 2. PROHIBITION OF IMPORTATION.

(a) AMENDMENT.—Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 et seq.) is amended by inserting after section 276 the following new section:

"SEC. 277. IMPORTATION OF LOW-LEVEL RADIOACTIVE WASTE.—

"a. Except as provided in subsection b. or c., the Commission shall not issue a license authorizing the importation into the United States of—

"(1) low-level radioactive waste (as defined in section 2 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b)); or

"(2) specific radioactive waste streams exempted from regulation by the Commission under section 10 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021j).

"b. Subsection a. shall not apply to—

"(1) low-level radioactive waste being returned to a United States Government or military facility which is authorized to possess the material; or

"(2) low-level radioactive waste resulting from the use in a foreign country of nuclear material obtained by the foreign user from an entity in the United States that is being returned to the United States for management and disposal.

"c. The President may waive the prohibition under this section and authorize the grant of a specific license to import materials prohibited under subsection a., under the rules of the Commission, only after a finding that such importation would meet an important national or international policy goal, such as the use of waste for research purposes. Such a waiver must specify the policy goal to be achieved, how it is to be achieved, and the amount of material to be imported.

"d. A license not permitted under this section that was issued before the date of enactment of this section may continue in effect according to its terms, but may not be extended or amended with respect to the amount of material permitted to be imported."

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 276 the following new item:

"Sec. 277. Importation of low-level radioactive waste."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

### GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Radioactive Import Deterrence Act is a bipartisan bill that would ban the importation of low-level radioactive waste unless the President provides a waiver.

Low-level radioactive waste is generated by medical facilities, university research labs, and utility companies. This waste is generated all over the United States, but finding permanent disposal sites has proven difficult. Currently, 36 States and the District of Columbia have only one approved site to store all the waste generated by those industries. That site is located in Utah. The site stores 99 percent of the United States' low-level radioactive waste.

However, the Nuclear Regulatory Commission is currently considering the importation of 20,000 tons of Italian low-level waste to be permanently disposed of at the Utah site. This would be the largest importation of foreign waste ever.

The United States stands alone as the only country in the world that imports other countries' radioactive waste for permanent disposal. Other countries are reading the signs that the U.S. is poised to become a nuclear dumping ground. Permit applications are also pending for the importation of Brazilian and Mexican waste.

Foreign waste threatens the capacity that we have set aside in this country for the waste generated by our domestic industries. It is critical that Congress protect that capacity by prohibiting these imports.

I support nuclear power as part of our energy mix. 104 commercial nuclear plants in the United States help to provide 20 percent of our Nation's energy needs. If we are going to support the continued growth of our domestic nuclear industry, we must ban the practice of disposing of other countries' radioactive waste. We must reserve that capacity for our domestic needs.

□ 1415

The bill is the product of a bipartisan cooperation and has received multiple hearings in the Energy and Commerce Committee. I urge my colleagues to stand firm against the importation of foreign radioactive waste and support this bipartisan bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, December 1, 2009.

Hon. HENRY WAXMAN,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 515, the "Radioactive Import Deterrence Act." As you know, the Committee on Ways and Means has received a sequential referral on this bill.

To expedite this legislation for floor consideration, the Committee on Ways and Means will forgo action on this bill. This is being done with the understanding that the Committee on Energy and Commerce will confirm in the legislative history of the bill that the President's discretion to waive section 277(a) of the Atomic Energy Act of 1954 applies to any important national or international policy goal, and is not limited to the use of waste for research purposes.

The Committee on Ways and Means is forgoing action on the bill with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 515, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of this bill.

Once again, thank you for your work and cooperation on this legislation.

Sincerely,

CHARLES B. RANGEL,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, December 1, 2009.  
Hon. CHARLES B. RANGEL,  
Chairman, Committee on Ways and Means,  
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your letter regarding H.R. 515, the "Radioactive Import Deterrence Act of 2009." The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in H.R. 515, and I appreciate your effort to facilitate consideration of this bill.

Your letter accurately stated that the report of the Committee on Energy and Commerce on H.R. 515 will confirm that the President's discretion to waive section 277(a) of the Atomic Energy Act of 1954 applies to any important national or international policy goal, and is not limited to the use of waste for research purposes. I also concur that by forgoing action on the bill the Committee on Ways and Means does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 515 in the Congressional Record during floor consideration of the bill and in the Committee report on H.R. 515. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,  
Chairman.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Tennessee is a scholar and perspicuous individual, very talented, but Shakespeare said, "To err is human," and in this case, the gentleman from Tennessee has erred particularly in this bill. So I stand here not in support of his grand bill.

I think many in Congress are perhaps frustrated that we're not focusing on

domestic nuclear waste disposal issues that obviously need to be resolved if we're ever to revitalize our nuclear energy. Instead, we're talking about this bill. In fact, this bill is going to hurt businesses that are trying to create jobs and promote economic growth. It will actually discourage it.

The administration has irresponsibly turned its back on the Yucca Mountain waste repository site, leaving us with no clear plan to dispose of high-level radioactive waste and spent nuclear fuel and leaving taxpayers liable for potentially billions of dollars in damages.

Now this bill, Mr. Speaker, does not focus on high-level radioactive waste, but rather it focuses on what is known as a Class A radioactive waste. Now, my colleagues, this is the lowest of lowest levels of radioactive waste. Now, supporters of this bill will say that we lack sufficient capacity in the United States for this waste. Let's talk about what the GAO says.

They have testified the Class A waste disposal capacity is simply not a problem in the short term or the long term. GAO had some real concerns about disposal capacity for what is known as Class B and C waste, but not Class A waste.

Now, what does this legislation do to deal with spent nuclear fuel or the impending Class B and C waste disposal crisis? Nothing. Nothing is done. Instead, it would prevent U.S. companies from competing in the global marketplace by restraining trade in this very low-level waste.

Now, a lot of us will hear the word "radioactive" and this is perhaps a word that is radioactive to lawmakers, but it should not frighten us once we understand this is the same kind of waste that you find in a home smoke detector. I think everybody in this Chamber, as well as everybody in the House, probably has a smoke detector in their home. So that is the type of low-level waste we're talking about.

I want American companies and American workers to participate fully in the international nuclear renaissance. You know, it's happening in China certainly, including the handling of low-level waste. This is an anti-jobs and anti-trade bill. It would simply ban Americans from the marketplace. And so that's why, reluctantly, many on this side of the aisle oppose this legislation and voted against it when it was before the full Energy and Commerce committee.

I am also concerned that this bill may have negative unintended consequences on top of the intended ones. In addition to restricting the ability of U.S. companies to bid on secure foreign contracts, this bill may prevent U.S. companies in the future from working cooperatively with foreign companies on other nuclear projects. The bill would prohibit the importation of low-level waste into the United States unless it is being sent to a Federal Government or military facility or other limited exceptions.



So I do not believe that the importation of limited amounts of common, very low-level waste raises disposal capacity issues. The GAO didn't think so either. At the same time, I do not believe that if U.S. nuclear companies are to participate in the global nuclear services market and compete effectively with foreign-owned companies, they must simply be able to manage and dispose of the low-level waste incidental to their work and subject to NRC's already strict regulations and requirement. So think about that. We already have in place through the NRC the necessary regulations and requirements. This is going to overlap on that.

So, Mr. Speaker, I'd like to create jobs. We cannot pass new trade barriers that put our own employers and workers at a competitive disadvantage, which I think simply this bill would do.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield such time as he may consume to my friend from Utah (Mr. MATHESON), the coauthor of this bipartisan bill.

Mr. MATHESON. I thank Mr. GORDON for yielding.

Before I begin my comments, I have a copy of a resolution that was passed by the Salt Lake County Council in support of the Writ Act to include in the RECORD.

**A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL OPPOSING THE IMPORTATION OF FOREIGN NUCLEAR/RADIOACTIVE WASTE AND ITS DISPOSAL IN THE UNITED STATES**

Whereas, the Nuclear Regulatory Commission (NRC) has been asked for a license to import radioactive waste from dismantled nuclear reactors in Italy;

Whereas, Italy, which currently stores its nuclear/radioactive waste at power plants and other sites throughout Italy, has no permanent repository for this waste, has four closed nuclear power stations and other nuclear facilities with nuclear/radioactive waste, and for the past number of years has been unable to construct a waste disposal facility due to strong citizen opposition;

Whereas, due to having closed facilities and citizen opposition to construction of any new facilities, Italy reportedly has no nuclear waste disposal plan and is seeking assistance from other countries to manage different types of nuclear waste;

Whereas, if allowed, foreign radioactive/nuclear waste would be transported and

Whereas, if granted by the NRC, the importation license would allow almost ten times more waste to be imported for disposal than the total amount authorized by prior NRC importation licenses;

Whereas, Utah Governor Jon Huntsman, the Utah Radiation Control Board, and a regional regulatory board, the Northwest Interstate Compact, have opposed this waste being brought into Utah;

Whereas, a declaratory judgment action has been filed and is currently being actively litigated to determine whether the Northwest Interstate Compact has jurisdiction over the importation of the waste and the legal authority to block the transportation and storage of this foreign waste in Utah;

Whereas, the NRC has delayed making a decision on the proposal until the litigation against the Northwest Interstate Compact has been resolved;

Whereas, nearly four thousand people submitted comments to the NRC, the vast ma-

jority overwhelmingly opposing the proposed importation license;

Whereas, granting approval to this or similar proposals could open the door to the United States becoming the world's nuclear/radioactive waste dump and create a disincentive for foreign nations to dispose of their own nuclear/radioactive waste;

Whereas, other contracts have been solicited for additional foreign nuclear/radioactive waste disposal from entities in the United Kingdom, Mexico, Brazil and other countries which would directly impact Salt Lake County;

Whereas, nuclear/radioactive materials will be shipped over oceans, into ports, and, potentially, through Utah cities and counties, including Salt Lake County, with the exact types and classifications of these materials not determined until after they have been imported;

Whereas, dumping large quantities of foreign nuclear/radioactive waste in the U.S. will only constrain further our domestic disposal capacity, result in the need for expanded or new nuclear/radioactive waste dump sites and increase the risk to public health, safety and the environment;

Whereas, neither the United States Congress nor the NRC ever intended that domestic nuclear/radioactive waste sites be used for the commercial importation of foreign nuclear/radioactive waste;

Whereas, importing foreign waste only serves private companies and their shareholders; and

Whereas, many of the probable transportation corridors run through Salt Lake County, risking public health and safety with every shipment, not to mention the financial responsibility imposed on the County and its residents in preparing for and responding to incidents.

Now, Therefore, the County Council hereby resolves that it supports the prohibition on the transportation of foreign generated nuclear/radioactive waste through Salt Lake County;

Now, Therefore, the County Council further resolves that it urges the NRC to not approve the request to import and dispose of foreign low-level nuclear/radioactive waste; and

Now Therefore, the County Council further resolves that it urges Utah's legislative delegation to support the Radioactive Deterrence Act (RID), HR 515 and S. 232, which would prohibit the importation of foreign nuclear/radioactive waste, thereby alleviating the health and safety risks of transporting such materials through Salt Lake County.

Mr. Speaker, the Energy and Commerce Committee has held two hearings on this issue: one in the previous Congress and one in this Congress. And during those hearings, we really flushed out this issue in a way that I think makes some pretty clear points that justify moving this bill.

First of all, what was established is that there is confusion about what U.S. policy is relative to importation of radioactive waste from foreign countries. There really is a gap in policy here because as our low-level radioactive waste has developed over the last two or three decades, foreign waste wasn't even really considered. It just wasn't conceived that we would even take waste from other countries.

As Mr. GORDON indicated, no other country in the world takes another country's radioactive waste, and I think that appears to have been the as-

sumption in terms of when policies have been determined in this country.

But what has happened in the last few years is that there are efforts and contracts being signed to move waste from Italy; there is discussion about Brazil, Mexico, Great Britain, to move low radioactive waste to this country. The Nuclear Regulatory Commission says we have no authority to determine whether or not waste from foreign countries should be allowed into this country.

So then we turn to the next regulatory body that we have in this country, and that is the system of State-run compacts that was established in Federal law primarily in 1980 and 1985. And the nuclear waste compacts are the ones who also have this role in deciding how to handle low-level radioactive waste.

The State of Utah happens to be a member of the Northwest Compact. When this proposal to move waste from Italy was put before the Compact, the Compact, with the State of Utah opposing the importation of this waste, the Compact agreed with the State of Utah and moved to disallow this shipment. At this point, the matter was taken to the courts. The Federal district courts have ruled the Compact courts have no authority to stop this either. That case is currently on appeal.

But what this points out—and the reason I walk through these steps—is to illustrate that there's a lot of confusion out there and everyone is pointing in a different direction of who's in charge of this issue. It seems to me this issue ought to be addressed by Congress. It's up from a public policy perspective to discuss whether or not as a policy of this country we should accept another country's radioactive waste. I happen to think we shouldn't. No other country in the world does. I don't think we should either. There has been mention that this is a restraint of trade issue in preventing U.S. companies from competing. I don't know of any other country that takes imported waste.

For trade to exist, you have goods and services going in both directions, not just in one. I don't understand how this in any way could be described as a restraint of trade.

Secondly, the capacity of this country for handling low-level waste is an issue because from what I have heard, not many States want to have a nuclear waste site for this low-level waste even though you have heard descriptions that this low-level waste may be no more dangerous than what's in a smoke detector. When you talk about tons and tons of this low-level radioactive waste, not a lot of States are lining up to take it.

And as we move forward as a country in a climate-constrained world where I believe—and I support development of nuclear power plants which, in addition to high-level fuel rods, do generate low-level waste—we need to have a location in this country to dispose of that low-level waste.

When the GAO did analyze the site in Utah to discuss the capacity issue, as was pointed out during the Congressional hearings before the Energy and Commerce Committee, it was pointed out that the GAO only looked at 1 year's worth of data for how much waste was put in, and they just took that volume from that year and projected it out into the future, which I'm a little disappointed that GAO would make such an elementary mistake in terms of how you project a trend, because the 1 year they used, in terms of the volume that was deposited that year, was a particularly low year in terms of volumes of waste.

And in fact, even with that assumption, they projected that it would go out maybe somewhere between 20 and 30 years. That is not necessarily a long amount of time when you talk about storage of low-level waste in this country. That is not a long amount of time when you consider the issue that most States don't want one of these sites located in their State. And I would submit that if you take the longer view of the life cycle of a nuclear power plant, that 20 to 30 years is not an excessively long amount of time, that's the storage capacity we've got at this site.

By the way, the GAO report also did not assume any foreign radioactive waste would be going in the site when it made its analysis of what the capacity was.

So I think this is a good bill. I think this addresses a gap in policy today. I think it will create greater certainty for the future of the nuclear industry in this country. I think it aligns the United States with the rest of the world in how we deal with importation of radioactive waste.

I want to thank Mr. GORDON for his leadership on this issue. I encourage my colleagues to support the bill.

Mr. STEARNS. Mr. Speaker, I ask how much time I have left.

The SPEAKER pro tempore. Sixteen minutes.

Mr. STEARNS. Mr. Speaker, I yield myself as much time as I may consume.

I think if you try to look at this issue in a broad sense, around the world a lot of countries are actually building nuclear power plants and there's also countries that are decommissioning them. There are currently 436 nuclear reactors worldwide with 53 under construction. China currently has 16 reactors under construction. So this renaissance is occurring. It's global.

So I think if you're going to have companies that are involved with the construction and decommission of nuclear power plants and they want to say, Okay, I want to bid, these countries will accept the bid from the United States; but if the United States is limiting them in how they're getting rid of low level radioactive waste, it's going to make it more difficult for that company to compete.

Again, this is not a serious problem. As far as I know, there has not been

any indirect harm to individuals because of this. I obviously view this bill—the authors have crafted a safety measure, and I respect that. But low level radioactive waste, as I mentioned, is in smoke detectors as well as exit signs.

So the implementation of this bill is going to be more regulatory, and the Nuclear Regulatory Commission is already doing this. So why would we need this bill?

And I think, as pointed out earlier in my statement, we have so many other Class B and Class C waste capacity problems that we should really be concentrating on and not this form of class, which is a very low radioactive class.

So I think, Mr. Speaker, that this is not a serious problem. I respect the authors and what they are trying to do; but, I think there's not a need for this kind of regulatory overlay with the Nuclear Regulatory Commission, which has already done a wonderful job for decades.

So with that, Mr. Speaker, I would urge my colleagues not to support and vote "no" on the bill, and I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I have to say that my friend from Florida is making a valiant effort. I just want to talk to you about a couple of things.

First of all, Shakespeare also says "don't rope a dope me." This is not B and C material. We're talking about A material.

We're both pro-nuclear. We would like to see additional nuclear power help us deal with our climate change, but he says this is not a serious problem. Well, it's a very serious problem if you are a lab, if you are a hospital, if you are a utility and you have no place to take your low-level radioactive waste.

□ 1430

For 37 States, there is no place else to go but Utah. And when that runs out, it is out. And so that is a very serious problem.

He says it is going to hurt business. It is not going to hurt business. There is a finite amount of space there. Either you put in American waste or foreign waste; it is the same amount. So there is no business going to be hurt there.

And finally, "don't worry about it, it is a smoke detector." Well, if it is only smoke detectors, why are we putting up barbed wire fence, why do we have guards, and why does it have to stay there permanently? It is much more than that. There are serious problems here. This is a matter of American competitiveness. For that reason, I think that this bipartisan bill does need to pass.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I reserve the balance of my time because I

think the gentleman from Tennessee has additional speakers.

Mr. GORDON of Tennessee. Mr. Speaker, I regret that my friend from Florida has no one here to defend him today, and I yield such time as he may consume to Mr. CHAFFETZ, another person who this will directly impact in Utah.

Mr. CHAFFETZ. Mr. Speaker, I appreciate the work Mr. GORDON has done on this bill with broad, bipartisan support, and I appreciate the leadership of JIM MATHESON, who has led out on this issue for years.

In short, for those of you who are supportive of the nuclear industry, and like me want to see the expansion of the nuclear industry, we need to make sure that we reserve the capacity so we can deal with the waste. We won't be able to have expansion unless we have the capacity to actually store the waste.

And for those of you who don't want to see any sort of expansion of the nuclear industry, then why in the world would you ever want to take nuclear waste from foreign countries?

I am a very strong supporter of nuclear power. Currently, nuclear reactors in America provide the United States with roughly 20 percent of its electricity, yet we have built no new reactors since 1978. That is why I am a cosponsor of the American Energy Act, which establishes the national goal of bringing 100 new nuclear reactors online over the next 20 years. Achieving this goal is important for our economy, our environment, and for energy independence. This is why facilities like the one located in Clive, one of the best in the Nation and really the best in the world, need to dedicate their capacities to storage of American products. Expansion of our nuclear capacity will be nearly impossible if we allow our storage facilities to become saturated with foreign nuclear waste.

I support this bill and oppose the importation of waste into the country based on the basic laws of supply and demand. If the waste generated by Italian companies is so valuable, then why do businesses in Europe not step up to the plate? There is a reason why: With \$1 billion on the line, there is not one place in Europe that is willing to step up and take it. It is dangerous. It is very dangerous. The answer, I would argue, is that other European countries do not want to take the risk of importing waste into their country. It is not a risk that I want to take for the State of Utah or for my country. And I believe that by passing this bill, I am confident that market forces will find a place for the waste somewhere other than the United States, and we can continue to propel the nuclear industry forward in the United States of America.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I noticed that the advocates for the opponent all have these people from

Utah. I just wonder if that is a coincidence. I see the gentleman from Tennessee has no one except people from Utah. But I am going to reveal a secret to him that perhaps he didn't know and the people from Utah didn't know that fortunately on this side we had the clairvoyance to find out. In checking with the Utah facility, we found that they do, indeed, have the capacity to take this low-level waste, not just for another year, but for decades and decades.

So I know the people on that side say this is not true, but the information we are getting back, which is probably news to the gentleman from Tennessee, is that the facility is capable of taking this type of waste. So I would just indicate that our main concern is that those companies who are trying to do business in this renaissance for nuclear construction are going to be hampered because of this bill.

With that, Mr. Speaker, I yield to the gentleman from Tennessee (Mr. ROE) such time as he may consume.

Mr. ROE of Tennessee. Mr. Speaker, H.R. 515 is a worthy attempt to deal with an issue that deserves a long-term solution: our ability to store processed nuclear waste. I think all Members want to ensure we have adequate storage space, and I commend the gentleman from Tennessee for trying to deal with this complicated issue. I fundamentally support the gentleman's goal, which is to stop the long-term storage of foreign waste in our country. The problem, however, is the bill will stop any operation that safely imports, processes, or exports low-level nuclear material in this country.

A company in my district processes the waste and returns it to its country of origin, which does not impact the long-term domestic storage. This legislation would prohibit them from doing this and impact jobs at a time when jobs are scarce.

I certainly would like to work with my esteemed colleague from Tennessee to make changes in this legislation that would achieve this goal of halting the permanent storage of foreign waste while allowing companies that safely process and export this material to continue to do so.

Mr. STEARNS. Mr. Speaker, I yield myself 30 seconds to add that the gentleman had a very balanced approach to it in his statement. Also, he is from the great State of Tennessee so we have a balanced opinion from one side to the other from the great State of Tennessee.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my time is coming to an end, but I could share some of my time with my friend from Florida if he would like to volunteer the State of Florida as a repository for some of this low-level radioactive waste.

Mr. STEARNS. Would the gentleman yield?

Mr. GORDON of Tennessee. I yield to the gentleman from Florida.

Mr. STEARNS. I would consider that proposal. Will you withdraw this bill?

Mr. GORDON of Tennessee. Once you get it sited, then this bill may not be necessary.

Mr. STEARNS. During the process we are waiting to get sited in Florida, will you just put this bill onto a back burner?

Mr. GORDON of Tennessee. I don't think that would be the responsible thing to do for our country.

And for that reason, I yield to the gentleman from Utah (Mr. MATHESON) to clarify one of the earlier statements.

Mr. MATHESON. Mr. Speaker, I just wanted to clarify one comment made by the gentleman from Florida about capacity in Utah.

It is interesting the company is telling people that they have so much capacity. They made a commitment to our Governor that they were not going to ask for any increase in the license capacity compared to what they have. It so happens when they came to testify before the Energy and Commerce Committee, in their written testimony they included tables that assumed great expansion of this site. But the State of Utah has not licensed that expansion. They made a commitment to our Governor that they weren't going to apply for an increase in size from the license capacity that exists today.

So I am not sure if they are talking out of both sides of their mouth now, if they are telling the other side that they have plenty of capacity, but I would just put it on the record that that company is on record that they said they would not make a license request to increase the capacity at the site.

Mr. GORDON of Tennessee. If the gentleman would stay there, reclaiming my time, the Northwest Compact, did they volunteer to take this radioactive waste?

Mr. MATHESON. The imported waste?

Mr. GORDON of Tennessee. Yes.

Mr. MATHESON. The Northwest Compact, as I made some reference to in my earlier statement, voted against taking this waste.

Mr. GORDON of Tennessee. And what was the Governor's position?

Mr. MATHESON. The Governor of Utah was opposed to it. The State of Utah was opposed to it.

Mr. GORDON of Tennessee. What action did the company then take?

Mr. MATHESON. The company then took the State and the Northwest Compact to court.

Mr. GORDON of Tennessee. They sued them? You mean they sued them to make them take this?

Mr. MATHESON. They took this action to Federal court because they disagreed with the decision of the State of Utah and the Northwest Compact.

Mr. GORDON of Tennessee. I'm shocked. I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself 1 minute to attempt to reply to my colleagues.

As I understand it, this appeal process went through, and it is still in court, and so the final judgment has not been made. I think the gentleman from Utah sort of illustrates what I think is true: the company says they have the capacity to handle this.

But the overall position, I think, of many of us is that this legislation is going to hurt U.S. companies who are trying to compete with other global nuclear services in the marketplace. And as I pointed out, this is a global and highly technical and competitive industry, and it is growing, and we should not handicap companies who wish to compete in it.

Class A radioactive waste is very minimal. We have been able to take care of it. For decades and decades, the Nuclear Regulatory Commission has been able to take care of it. They have testified that it is not a problem. It is not a problem for the long term or short term.

I have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I say to my friend from Florida, I am not sure how much water this cup will hold, but when it is full, it is full. Now I am not sure how much, and we can talk about how much radioactive material that the Utah site can hold, but when it is full, it is full, and there will be no more space left. We need to recognize that.

In conclusion, let me just say this is very simple, very simple. There is only one Nation in the world that allows other countries to ship their radioactive waste to that country for permanent disposal, and that is the United States. Quite frankly, it was a loophole because it was never expected that that would happen. So what we are doing with this legislation is simply bringing it into compliance with the rest of the world, saying that our country will not accept radioactive waste, and there are 20,000 tons ready to come in, as well as other countries asking to bring that waste in.

We are simply saying we are going to abide by what all the others countries do, and they say if you have radioactive waste, if you are going to be producing radioactive waste, you need to take care of it, just like every other country. I think that is fair. I think it is reasonable.

Mr. STEARNS. Would the gentleman yield?

Mr. GORDON of Tennessee. I yield to my friend from Florida.

Mr. STEARNS. I thank the gentleman.

To you folks, when you hold up that glass, there is another glass in Texas that is willing to take this low-level radioactive waste. You should know that. We are not just talking about the plant in Utah.

Mr. GORDON of Tennessee. Reclaiming my time, and I will yield right back to you, has that site been certified?

Mr. STEARNS. I think it is in the process of being certified. And there are other States that are willing to do the same thing.

If you don't mind, your colleague from Tennessee has a question for you.

Mr. GORDON of Tennessee. I yield to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Thank you for yielding.

Is it a problem to have the waste brought into this country and then shipped out back to the country of origin or wherever it is disposed of? We have a company in our district that does that.

Mr. GORDON of Tennessee. Reclaiming my time, I understand that, and I am sympathetic to that. The difficulty is where that waste has been separated. I have talked to them personally, and they have said that they don't ship it all back, that they keep some of it here. And there are difficulties. Once you combine an A level with a B or C level, there are additional problems.

Now I am sympathetic to your concerns. We want to continue with that dialogue. I hope that can be rectified. But so far, we do not have that. And that is not before us today. What we have before us today is a very simple proposition: Is the United States going to be the only country in the world that is going to use our limited storage space to permanently dispose of tons and tons of radioactive waste from other countries? That is the question before us today, and we have a bipartisan bill that tries to answer that.

Mr. STEARNS. I thank my colleague for allowing me the time to speak.

Mr. GORDON of Tennessee. I understand that Mr. TERRY, a member of our committee, is on his way. He is going to have to get here pretty soon. As a cosponsor of this bipartisan bill, I think he would want me to say on his behalf that it is not in the interest of Nebraska, his home State, to have no other place to send their radioactive waste, whether it is from a hospital, from a lab, or anywhere else, but to Utah. And I would say that he would be very concerned with what Nebraska is going to do with that waste if there is no other place to send it. I am sure that he could say it much more eloquently than me.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of H.R. 515, the Radioactive Import Deterrence Act, a bipartisan bill introduced by Congressmen GORDON, MATHESON and TERRY. This important legislation will ban the importation of low-level radioactive waste into the United States. This is a bipartisan bill, cosponsored by 80 House Members, including 20 Democratic and 4 Republican members of the full Energy and Commerce Committee.

H.R. 515 was drafted in response to an attempt to bring 20,000 tons of Italian low-level nuclear waste into the United States to be processed in Tennessee and disposed of in

Utah. Italy wants to ship their waste to the United States because they have no disposal capabilities of their own. And Italy is by no means the only country in this position.

In fact, the United States is the only nuclear waste-producing country in the world which allows for the importation and disposal of foreign nuclear waste. No other country does, and for good reason! Why should the United States take Italian nuclear waste if they won't take ours? I think the answer is simple: this House will not allow the United States to be the world's nuclear dumping ground.

H.R. 515 will preserve U.S. low-level nuclear waste disposal sites for U.S. low-level nuclear waste. Today, we have a few sites in the country which dispose of our low-level waste. For the moment, this is adequate. However, it is extremely difficult to establish new disposal sites. It is only practical that we carefully manage our existing domestic low-level nuclear waste disposal capacity to ensure that we do not face a crisis in the future. This will be even more critical if new nuclear reactors are built in this country.

Not only would H.R. 515 preserve existing disposal sites for our own waste, but it would maintain the integrity of the Low Level Waste Compact System, and protect the States from being forced to accept foreign nuclear waste.

When Congress established the Low Level Waste Compact System, we did not intend for the compacts to handle foreign waste. We empowered the States to establish sites for common use within the various regions, and specifically allowed them to exclude waste from outside those regions. This bill will responsibly fix a loophole which was never intended to exist.

If we fail to protect the Low Level Waste Compact System, what were supposed to be domestic disposal sites could be turned into global nuclear waste dumps. If that occurs, we could end up in a position where many States are unable—or unwilling—to participate in these compacts at all, leaving domestic companies with nowhere to go to dispose of their radioactive waste. That would not be a good development for the nuclear industry, or for the Nation.

This bill moved through the Energy and Commerce Committee under regular order, and received bipartisan support. It was reported favorably by the Subcommittee on Energy and the Environment to the full Committee by a voice vote, and the Energy and Commerce Committee sent the bill to this Floor by a strong vote of 34–12.

Mr. Speaker, I urge all of my colleagues to support this important legislation today.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 515, the Radioactive Import Deterrence Act. This legislation will preserve our ability to regulate the importation of low-level radioactive waste produced in U.S. facilities such as clothing and items that are used in hospitals, research facilities, and nuclear power plants.

These low-level waste products are generated throughout the country, including Nebraska, which has two nuclear power plants and several medical facilities that generate these low-level waste materials that require processing and storage.

This legislation would bar the NRC from issuing licenses authorizing the importation of foreign low-level radioactive waste, unless waived by the President to meet national or

international policy goals. It also exempts waste generated by the U.S. government or the military.

The United States is the only nation that allows imports of low-level radioactive waste from other countries. If we do not impose the ban on importation, the United States could easily become the preferred dumping ground for low-level radioactive waste from around the globe. This could be a problem since 36 states that do not have access to a waste compact—like Nebraska—have access to only one disposal site located in the State of Utah. Also, 94 out of 104 commercial nuclear plants in the United States use the same commercial facility as those 36 states to dispose of their low-level waste.

Mr. Speaker, we should not become the low-level radioactive waste disposal dump for the entire world. Other countries that are now using or developing nuclear power and have medical facilities generating this waste should build and operate their own storage facilities and not put American communities at risk for taking care of this radioactive waste.

I urge my colleagues to vote for H.R. 515.

Mr. GORDON of Tennessee. At this time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 515, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 4 o'clock and 15 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 515, by the yeas and nays;

H. Con. Res. 197, by the yeas and nays;

H.R. 1242, by the yeas and nays; and H.R. 3980, by the yeas and nays.

Remaining postponed votes will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

### RADIOACTIVE IMPORT DETERRENCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 515, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 515, as amended.

The vote was taken by electronic device, and there were—yeas 309, nays 112, not voting 13, as follows:

[Roll No. 919]

YEAS—309

Abercrombie	Dahlkemper	Hirono
Ackerman	Davis (AL)	Holden
Adler (NJ)	Davis (CA)	Holt
Altmire	Davis (IL)	Honda
Andrews	Davis (TN)	Hoyer
Arcuri	Deal (GA)	Hunter
Baca	DeFazio	Inslee
Baird	DeGette	Israel
Baldwin	Delahunt	Jackson (IL)
Bean	DeLauro	Jackson-Lee
Becerra	Dent	(TX)
Berkley	Diaz-Balart, L.	Johnson (GA)
Berman	Diaz-Balart, M.	Johnson (IL)
Berry	Dicks	Johnson, E. B.
Bilbray	Dingell	Jones
Bishop (GA)	Doggett	Kagen
Bishop (NY)	Donnelly (IN)	Kanjorski
Blumenauer	Doyle	Kaptur
Boccheri	Driehaus	Kennedy
Boozman	Duncan	Kildee
Boren	Edwards (MD)	Kirkpatrick (MI)
Boswell	Edwards (TX)	Kilroy
Boucher	Ellison	Kind
Boyd	Ellsworth	King (NY)
Brady (PA)	Engel	Kirk
Braley (IA)	Eshoo	Kirkpatrick (AZ)
Bright	Etheridge	Kissell
Brown (SC)	Farr	Klein (FL)
Brown, Corrine	Fattah	Kosmas
Buchanan	Filner	Kratovil
Butterfield	Forbes	Kucinich
Buyer	Fortenberry	Lance
Camp	Foster	Langevin
Cantor	Frank (MA)	Larson (CT)
Cao	Fudge	LaTourette
Capito	Galleghy	Lee (CA)
Capps	Garamendi	Lee (NY)
Cardoza	Garrett (NJ)	Levin
Carnahan	Gerlach	Lewis (GA)
Carney	Giffords	Lipinski
Carson (IN)	Goodlatte	LoBiondo
Castle	Gordon (TN)	Loeback
Castor (FL)	Grayson	Lofgren, Zoe
Chaffetz	Green, Al	Lowey
Chandler	Green, Gene	Luetkemeyer
Childers	Griffith	Lujan
Chu	Grijalva	Lummis
Clarke	Guthrie	Lynch
Clay	Gutierrez	Maffei
Cleaver	Hall (NY)	Maloney
Clyburn	Halvorson	Manzullo
Cohen	Hare	Markey (CO)
Connolly (VA)	Harman	Markey (MA)
Conyers	Hastings (FL)	Marshall
Cooper	Heinrich	Massa
Costa	Heller	Matheson
Costello	Herseht Sandlin	Matsui
Courtney	Hill	McCarthy (CA)
Crowley	Himes	McCarthy (NY)
Cuellar	Hinchey	McCollum
Cummings	Hinojosa	McCotter

McDermott	Pomeroy	Smith (WA)
McGovern	Posey	Snyder
McIntyre	Price (NC)	Space
McKeon	Putnam	Speier
McMahon	Quigley	Spratt
McNerney	Rahall	Stark
Meek (FL)	Rangel	Stupak
Meeks (NY)	Reichert	Sutton
Michaud	Reyes	Tanner
Miller (NC)	Richardson	Teague
Miller, George	Rodriguez	Terry
Minnick	Rogers (AL)	Thompson (CA)
Mitchell	Rogers (MI)	Thompson (MS)
Mollohan	Rooney	Thompson (PA)
Moore (KS)	Ros-Lehtinen	Tiberi
Moore (WI)	Ross	Tierney
Murphy (CT)	Rothman (NJ)	Titus
Murphy (NY)	Roybal-Allard	Tonko
Murphy, Patrick	Ruppersberger	Towns
Murtha	Rush	Tsongas
Nadler (NY)	Ryan (OH)	Turner
Napolitano	Salazar	Van Hollen
Neal (MA)	Sanchez, Linda	Velázquez
Neugebauer	T.	Visclosky
Nye	Sanchez, Loretta	Walden
Oberstar	Sarbanes	Walz
Obey	Schakowsky	Wamp
Oliver	Schauer	Wasserman
Ortiz	Schiff	Schultz
Owens	Schrader	Waters
Pallone	Schwartz	Watson
Pascarella	Scott (GA)	Watt
Pastor (AZ)	Scott (VA)	Waxman
Paulsen	Serrano	Weiner
Payne	Sestak	Welch
Perlmutter	Sherman	Wexler
Perriello	Shuler	Wilson (OH)
Peters	Shuster	Wittman
Peterson	Sires	Wolf
Petri	Skelton	Woolsey
Pingree (ME)	Slaughter	Wu
Platts	Smith (NE)	Yarmuth
Polis (CO)	Smith (NJ)	Young (FL)

NAYS—112

Akin	Franks (AZ)	Moran (KS)
Alexander	Frelinghuysen	Murphy, Tim
Austria	Gingrey (GA)	Myrick
Bachmann	Gohmert	Nunes
Bachus	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Hall (TX)	Pence
Biggart	Harper	Pitts
Bilirakis	Hastings (WA)	Poe (TX)
Blackburn	Hensarling	Price (GA)
Blunt	Herger	Radanovich
Boehner	Hoekstra	Rehberg
Bonner	Inglis	Roe (TN)
Bono Mack	Issa	Rogers (KY)
Boustany	Jenkins	Rohrabacher
Brady (TX)	Johnson, Sam	Roskam
Broun (GA)	Jordan (OH)	Royce
Brown-Waite,	King (IA)	Ryan (WI)
Ginny	Kingston	Scalise
Burgess	Kline (MN)	Schmidt
Burton (IN)	Lamborn	Schock
Calvert	Latham	Sensenbrenner
Campbell	Latta	Sessions
Carter	Lewis (CA)	Shadegg
Cassidy	Linder	Shimkus
Coble	Lucas	Simpson
Coffman (CO)	Lungren, Daniel	Smith (TX)
Cole	E.	Souder
Conaway	Mack	Stearns
Crenshaw	Marchant	Sullivan
Culberson	McCaul	Taylor
Davis (KY)	McClintock	Thornberry
Dreier	McHenry	Tiahrt
Ehlers	McMorris	Upton
Emerson	Rodgers	Westmoreland
Fallin	Mica	Whitfield
Flake	Miller (FL)	Wilson (SC)
Fleming	Miller (MI)	
Foxx	Miller, Gary	

NOT VOTING—13

□ 1645

Messrs. LUCAS, MILLER of Florida, COLE, BRADY of Texas, BLUNT, SULLIVAN, KINGSTON, WILSON of South Carolina, CRENSHAW, DREIER, Ms. JENKINS, Ms. FALLIN, and Mrs.

EMERSON changed their vote from “yea” to “nay.”

Messrs. CANTOR, MCCARTHY of California, GOODLATTE, BUCHANAN, WAMP, and Mrs. HALVORSON changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### TEMPORARY FORBEARANCE FOR FAMILIES AFFECTED BY CON- TAMINATED DRYWALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 197, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 14, as follows:

[Roll No. 920]

YEAS—419

Abercrombie	Buchanan	Davis (KY)
Ackerman	Burgess	Davis (TN)
Adler (NJ)	Burton (IN)	Deal (GA)
Akin	Butterfield	DeFazio
Alexander	Buyer	DeGette
Altmire	Calvert	Delahunt
Andrews	Camp	DeLauro
Arcuri	Campbell	Dent
Austria	Cantor	Diaz-Balart, L.
Baca	Cao	Diaz-Balart, M.
Bachmann	Capito	Dicks
Bachus	Capps	Dingell
Baird	Cardoza	Doggett
Baldwin	Carnahan	Donnelly (IN)
Bartlett	Carney	Doyle
Barton (TX)	Carson (IN)	Dreier
Bean	Carter	Driehaus
Becerra	Cassidy	Duncan
Berkley	Castle	Edwards (MD)
Berman	Castor (FL)	Edwards (TX)
Berry	Chaffetz	Ehlers
Biggart	Chandler	Ellison
Bilbray	Childers	Ellsworth
Bilirakis	Chu	Emerson
Bishop (GA)	Clarke	Engel
Bishop (NY)	Clay	Eshoo
Blackburn	Cleaver	Etheridge
Blumenauer	Clyburn	Fallin
Blunt	Coble	Farr
Boccheri	Coffman (CO)	Fattah
Boehner	Cohen	Filner
Bonner	Cole	Flake
Bono Mack	Conaway	Fleming
Boozman	Connolly (VA)	Forbes
Boren	Conyers	Fortenberry
Boswell	Cooper	Foster
Boucher	Costa	Foxx
Boustany	Costello	Frank (MA)
Boyd	Courtney	Franks (AZ)
Brady (PA)	Crenshaw	Frelinghuysen
Brady (TX)	Crowley	Fudge
Braley (IA)	Cuellar	Galleghy
Bright	Culberson	Garamendi
Broun (GA)	Cummings	Garrett (NJ)
Brown (SC)	Dahlkemper	Gerlach
Brown, Corrine	Davis (AL)	Giffords
Brown-Waite,	Davis (CA)	Gingrey (GA)
Ginny	Davis (IL)	Gohmert

Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack

Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Morrison  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peterson  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney

Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

## NOT VOTING—14

Aderholt  
Barrett (SC)  
Barrow  
Bishop (UT)  
Capuano  
Gonzalez  
Higgins  
Hodes  
Larsen (WA)  
Melancon  
Moran (VA)  
Shea-Porter  
Tierney  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1654

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall and to consider adjustments to payment schedules on their home mortgages that take into account the financial burdens of responding to the presence of such drywall.”.

A motion to reconsider was laid on the table.

## EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 AMENDMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1242, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 1242, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 921]

## YEAS—421

Abercrombie  
Ackerman  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Bartlett  
Barton (TX)  
Beane  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)

Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Oberstar  
Obey  
Olson  
Olver

Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry

## NAYS—1

McClintock



Tiahrt	Walden	Wexler	Cohen	Inglis	Murphy (CT)	Speier	Tiberi	Watson
Tiberi	Walz	Whitfield	Cole	Inslee	Murphy (NY)	Spratt	Tierney	Watt
Tierney	Wamp	Wilson (OH)	Conaway	Israel	Murphy, Patrick	Stark	Titus	Waxman
Titus	Wasserman	Wilson (SC)	Connolly (VA)	Issa	Murphy, Tim	Stearns	Tonko	Weiner
Tonko	Schultz	Wittman	Conyers	Jackson (IL)	Murtha	Stupak	Towns	Welch
Towns	Waters	Wolf	Cooper	Jackson-Lee	Myrick	Sullivan	Tsongas	Westmoreland
Tsongas	Watson	Woolsey	Costa	(TX)	Nadler (NY)	Sutton	Turner	Wexler
Turner	Watt	Wu	Costello	Jenkins	Napolitano	Tanner	Upton	Whitfield
Upton	Waxman	Yarmuth	Courtney	Johnson (GA)	Neal (MA)	Taylor	Van Hollen	Wilson (OH)
Van Hollen	Weiner	Young (FL)	Crenshaw	Johnson (IL)	Neugebauer	Teague	Velázquez	Wilson (SC)
Velázquez	Welch		Crowley	Johnson, E. B.	Nunes	Terry	Visclosky	Wittman
Visclosky	Westmoreland		Cuellar	Johnson, Sam	Nye	Thompson (CA)	Walden	Wolf
			Culberson	Jones	Oberstar	Thompson (MS)	Walz	Woolsey
			Cummings	Jordan (OH)	Obey	Thompson (PA)	Wamp	Wu
			Dahlkemper	Kagen	Olson	Thornberry	Wasserman	Yarmuth
			Davis (AL)	Kanjorski	Olver	Tiahrt	Schultz	Young (FL)
			Davis (CA)	Kaptur	Ortiz			
			Davis (IL)	Kennedy	Owens			
			Davis (KY)	Kildee	Pallone			
			Davis (TN)	Kilpatrick (MI)	Pascarell			
			Deal (GA)	Kilroy	Pastor (AZ)			
			DeFazio	Kind	Paul			
			DeGette	King (IA)	Paulsen			
			Delahunt	King (NY)	Payne			
			DeLauro	Kingston	Perlmutter			
			Dent	Kirk	Perriello			
			Diaz-Balart, L.	Kirkpatrick (AZ)	Peters			
			Diaz-Balart, M.	Kissell	Peterson			
			Dicks	Klein (FL)	Petri			
			Dingell	Kline (MN)	Pingree (ME)			
			Doggett	Kosmas	Pitts			
			Donnelly (IN)	Kratovil	Platts			
			Doyle	Kucinich	Poe (TX)			
			Dreier	Lamborn	Polis (CO)			
			Driehaus	Lance	Pomeroy			
			Duncan	Langevin	Posey			
			Edwards (MD)	Larson (CT)	Price (GA)			
			Edwards (TX)	Latham	Price (NC)			
			Ehlers	LaTourette	Putnam			
			Ellison	Latta	Quigley			
			Ellsworth	Lee (CA)	Radanovich			
			Emerson	Lee (NY)	Rahall			
			Engel	Levin	Rangel			
			Eshoo	Lewis (CA)	Rehberg			
			Etheridge	Lewis (GA)	Reichert			
			Fallin	Linder	Reyes			
			Farr	Lipinski	Richardson			
			Fattah	LoBiondo	Rodriguez			
			Filner	Loebbeck	Roe (TN)			
			Flake	Lofgren, Zoe	Rogers (AL)			
			Fleming	Lowey	Rogers (KY)			
			Forbes	Lucas	Rogers (MI)			
			Fortenberry	Luetkemeyer	Rohrabacher			
			Foster	Lujan	Rooney			
			Fox	Lummis	Ros-Lehtinen			
			Frank (MA)	Lungren, Daniel	Roskam			
			Franks (AZ)	E.	Ross			
			Frelinghuysen	Lynch	Rothman (NJ)			
			Fudge	Mack	Roybal-Allard			
			Gallely	Maffei	Royce			
			Garamendi	Maloney	Ruppersberger			
			Garrett (NJ)	Manzullo	Rush			
			Gerlach	Marchant	Ryan (OH)			
			Giffords	Markey (CO)	Ryan (WI)			
			Gingrey (GA)	Markey (MA)	Salazar			
			Gohmert	Marshall	Sánchez, Linda			
			Goodlatte	Massa	T.			
			Gordon (TN)	Matheson	Sanchez, Loretta			
			Granger	Matsui	Sarbanes			
			Graves	McCarthy (CA)	Scalise			
			Grayson	McCarthy (NY)	Schakowsky			
			Green, Al	McCaul	Schauer			
			Green, Gene	McClintock	Schiff			
			Griffith	McCollum	Schmidt			
			Guthrie	McCotter	Schock			
			Gutierrez	McDermott	Schrader			
			Hall (NY)	McGovern	Schwartz			
			Hall (TX)	McHenry	Scott (GA)			
			Halvorson	McIntyre	Scott (VA)			
			Hare	McKeon	Sensenbrenner			
			Harman	McMahon	Serrano			
			Harper	McMorris	Sessions			
			Hastings (FL)	Rodgers	Sestak			
			Hastings (WA)	McNerney	Shadegg			
			Heinrich	Meek (FL)	Sherman			
			Heller	Meeks (NY)	Shimkus			
			Hensarling	Mica	Shuler			
			Herger	Michaud	Shuster			
			Herseeth Sandlin	Miller (FL)	Simpson			
			Hill	Miller (MI)	Sires			
			Himes	Miller (NC)	Skelton			
			Hinchey	Miller, Gary	Slaughter			
			Hinojosa	Miller, George	Smith (NE)			
			Hoekstra	Minnick	Smith (NJ)			
			Holden	Mitchell	Smith (TX)			
			Holt	Mollohan	Smith (WA)			
			Honda	Moore (KS)	Snyder			
			Hoyer	Moore (WI)	Souder			
			Hunter	Moran (KS)	Space			

## NOT VOTING—13

Aderholt	Gonzalez	Moran (VA)
Barrett (SC)	Higgins	Shea-Porter
Barrow	Hodes	Young (AK)
Bishop (UT)	Larsen (WA)	
Capuano	Melancon	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1701

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Asset Relief Program."

A motion to reconsider was laid on the table.

## REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3980, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 922]

YEAS—414

Abercrombie	Bishop (NY)	Calvert
Ackerman	Blackburn	Camp
Adler (NJ)	Blumenauer	Campbell
Akin	Blunt	Cantor
Alexander	Boccieri	Cao
Altmire	Boehner	Capito
Andrews	Bonner	Capps
Arcuri	Bono Mack	Cardoza
Austria	Boozman	Carnahan
Baca	Boren	Carney
Bachmann	Boswell	Carson (IN)
Bachus	Boucher	Carter
Baird	Boustany	Cassidy
Baldwin	Boyd	Castle
Bartlett	Brady (PA)	Castor (FL)
Barton (TX)	Braley (IA)	Chaffetz
Bean	Brown (GA)	Chandler
Becerra	Brown (SC)	Childers
Berkley	Brown-Waite,	Chu
Berman	Ginny	Clarke
Berry	Buchanan	Clay
Biggert	Burgess	Cleaver
Bilbray	Burton (IN)	Clyburn
Bilirakis	Butterfield	Coble
Bishop (GA)	Buyer	Coffman (CO)

Cohen	Inglis	Murphy (CT)	Speier	Tiberi	Watson
Cole	Inslee	Murphy (NY)	Spratt	Tierney	Watt
Conaway	Israel	Murphy, Patrick	Stark	Titus	Waxman
Connolly (VA)	Issa	Murphy, Tim	Stearns	Tonko	Weiner
Conyers	Jackson (IL)	Murtha	Stupak	Towns	Welch
Cooper	Jackson-Lee	Myrick	Sullivan	Tsongas	Westmoreland
Costa	(TX)	Nadler (NY)	Sutton	Turner	Wexler
Costello	Jenkins	Napolitano	Tanner	Upton	Whitfield
Courtney	Johnson (GA)	Neal (MA)	Taylor	Van Hollen	Wilson (OH)
Crenshaw	Johnson (IL)	Neugebauer	Teague	Velázquez	Wilson (SC)
Crowley	Johnson, E. B.	Nunes	Terry	Visclosky	Wittman
Cuellar	Johnson, Sam	Nye	Thompson (CA)	Walden	Wolf
Culberson	Jones	Oberstar	Thompson (MS)	Walz	Woolsey
Cummings	Jordan (OH)	Obey	Thompson (PA)	Wamp	Wu
Dahlkemper	Kagen	Olson	Thornberry	Wasserman	Yarmuth
Davis (AL)	Kanjorski	Olver	Tiahrt	Schultz	Young (FL)
Davis (CA)	Kaptur	Ortiz			
Davis (IL)	Kennedy	Owens			
Davis (KY)	Kildee	Pallone			
Davis (TN)	Kilpatrick (MI)	Pascarell			
Deal (GA)	Kilroy	Pastor (AZ)			
DeFazio	Kind	Paul			
DeGette	King (IA)	Paulsen			
Delahunt	King (NY)	Payne			
DeLauro	Kingston	Perlmutter			
Dent	Kirk	Perriello			
Diaz-Balart, L.	Kirkpatrick (AZ)	Peters			
Diaz-Balart, M.	Kissell	Peterson			
Dicks	Klein (FL)	Petri			
Dingell	Kline (MN)	Pingree (ME)			
Doggett	Kosmas	Pitts			
Donnelly (IN)	Kratovil	Platts			
Doyle	Kucinich	Poe (TX)			
Dreier	Lamborn	Polis (CO)			
Driehaus	Lance	Pomeroy			
Duncan	Langevin	Posey			
Edwards (MD)	Larson (CT)	Price (GA)			
Edwards (TX)	Latham	Price (NC)			
Ehlers	LaTourette	Putnam			
Ellison	Latta	Quigley			
Ellsworth	Lee (CA)	Radanovich			
Emerson	Lee (NY)	Rahall			
Engel	Levin	Rangel			
Eshoo	Lewis (CA)	Rehberg			
Etheridge	Lewis (GA)	Reichert			
Fallin	Linder	Reyes			
Farr	Lipinski	Richardson			
Fattah	LoBiondo	Rodriguez			
Filner	Loebbeck	Roe (TN)			
Flake	Lofgren, Zoe	Rogers (AL)			
Fleming	Lowey	Rogers (KY)			
Forbes	Lucas	Rogers (MI)			
Fortenberry	Luetkemeyer	Rohrabacher			
Foster	Lujan	Rooney			
Fox	Lummis	Ros-Lehtinen			
Frank (MA)	Lungren, Daniel	Roskam			
Franks (AZ)	E.	Ross			
Frelinghuysen	Lynch	Rothman (NJ)			
Fudge	Mack	Roybal-Allard			
Gallely	Maffei	Royce			
Garamendi	Maloney	Ruppersberger			
Garrett (NJ)	Manzullo	Rush			
Gerlach	Marchant	Ryan (OH)			
Giffords	Markey (CO)	Ryan (WI)			
Gingrey (GA)	Markey (MA)	Salazar			
Gohmert	Marshall	Sánchez, Linda			
Goodlatte	Massa	T.			
Gordon (TN)	Matheson	Sanchez, Loretta			
Granger	Matsui	Sarbanes			
Graves	McCarthy (CA)	Scalise			
Grayson	McCarthy (NY)	Schakowsky			
Green, Al	McCaul	Schauer			
Green, Gene	McClintock	Schiff			
Griffith	McCollum	Schmidt			
Guthrie	McCotter	Schock			
Gutierrez	McDermott	Schrader			
Hall (NY)	McGovern	Schwartz			
Hall (TX)	McHenry	Scott (GA)			
Halvorson	McIntyre	Scott (VA)			
Hare	McKeon	Sensenbrenner			
Harman	McMahon	Serrano			
Harper	McMorris	Sessions			
Hastings (FL)	Rodgers	Sestak			
Hastings (WA)	McNerney	Shadegg			
Heinrich	Meek (FL)	Sherman			
Heller	Meeks (NY)	Shimkus			
Hensarling	Mica	Shuler			
Herger	Michaud	Shuster			
Herseeth Sandlin	Miller (FL)	Simpson			
Hill	Miller (MI)	Sires			
Himes	Miller (NC)	Skelton			
Hinchey	Miller, Gary	Slaughter			
Hinojosa	Miller, George	Smith (NE)			
Hoekstra	Minnick	Smith (NJ)			
Holden	Mitchell	Smith (TX)			
Holt	Mollohan	Smith (WA)			
Honda	Moore (KS)	Snyder			
Hoyer	Moore (WI)	Souder			
Hunter	Moran (KS)	Space			

## NOT VOTING—20

Aderholt	Capuano	Melancon
Barrett (SC)	Gonzalez	Moran (VA)
Barrow	Grijalva	Pence
Bishop (UT)	Higgins	Shea-Porter
Brady (TX)	Hirono	Waters
Bright	Hodes	Young (AK)
Brown, Corrine	Larsen (WA)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1709

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. WILSON of South Carolina. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H. Res. 648.

The SPEAKER pro tempore (Ms. KOSMAS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION

yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

# SATELLITE HOME VIEWER REAUTHORIZATION ACT OF 2009

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3570) to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3570

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Satellite Home Viewer Reauthorization Act of 2009”.

## TITLE I—STATUTORY LICENSES

### SEC. 101. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

### SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking “**superstations and network stations for private home viewing**” and inserting “**distast television program by satellite**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

“119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.”.

(b) UNSERVED HOUSEHOLD DEFINED.—Section 119(d)(10) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) cannot receive, through the use of a conventional, stationary, outdoor rooftop receiving antenna, an over-the-air signal containing the primary stream, or, on or after January 1, 2013, the multicast stream, originating in that household’s local market and affiliated with that network of—

“(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

“(ii) if the signal originates as a digital signal, intensity defined in the values for digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;”.

(2) in subparagraph (B)—

(A) by striking “subsection (a)(14)” and inserting “subsection (a)(13);” and

(B) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Home Viewer Reauthorization Act of 2009”; and

(3) in subparagraph (D), by striking “(a)(12)” and inserting “(a)(11)”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) EMERGENCY MONITORING, PLANNING, OR RESPONDING.—Section 119(a) is amended by adding at the end the following:

“(17) RETRANSMISSION FOR EMERGENCY PREPARATION, RESPONSE, OR RECOVERY.—

“(A) AUTHORITY.—The secondary transmission by a satellite carrier of a performance or display of a work embodied in a primary transmission of a television broadcast station is not an infringement of copyright if such secondary transmission is made—

“(i) to a Federal governmental body designated by the Office of Emergency Communications, in coordination with the Federal Communications Commission, or an organization established with the purpose of carrying out a system of national and international relief efforts and chartered under section 300101 of title 36;

“(ii) to officers or employees of such body or such organization as a part of the official duties or employment of such officers or employees;

“(iii) at the request of the Secretary of Homeland Security; and

“(iv) for the sole purpose of preparing for, responding to, or recovering from an emergency described under subparagraph (B).

“(B) EMERGENCIES.—An emergency is described under this subparagraph if the Secretary of Homeland Security identifies such emergency as a major disaster, a catastrophic incident, an act of terrorism, or a transportation security incident.

“(C) REGULATIONS.—Not later than 6 months after the date of the enactment of this paragraph, the Secretary of Homeland Security, in coordination with the Federal Communications Commission, the National Telecommunications and Information Administration, and the Register of Copyrights, shall issue regulations to protect copyright owners by preventing the unauthorized access to the secondary transmissions described in subparagraph (A).

“(D) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of the enactment of this paragraph and by September 30 of each year thereafter, the Secretary of Homeland Security, acting through the Office of Emergency Communications, shall submit a report to the Committees on the Judiciary, on Homeland Security, and on Energy and Commerce of the House of Representatives and the Committees on the Judiciary, on Homeland Security, and on Commerce, Science, and Transportation of the Senate describing—

“(i) the manner in which the authority granted under subparagraph (A) is being used, including to whom and for what purposes the secondary transmissions are being provided; and

“(ii) any additional legislative recommendations the Secretary may have.

“(E) DEFINITIONS.—As used in this paragraph:

“(i) TERRORISM.—The term ‘terrorism’ has the meaning given that term in section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16)).

“(ii) TRANSPORTATION SECURITY INCIDENT.—The term ‘transportation security incident’ has the meaning given that term in section 70101 of title 46.

“(iii) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption

severely affecting the population (including mass evacuations), infrastructure, the environment, the economy, national morale, or government functions in a geographic area.

“(F) EFFECTIVE DATE.—This paragraph shall apply with respect to secondary transmissions described under subparagraph (A) that are made after the end of the 30-day period beginning on the effective date of the regulations issued by the Secretary of Homeland Security under subparagraph (C).”.

(e) LICENSE PROVIDED FOR CERTAIN NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—Section 119(a)(2)(C) is amended by adding at the end the following new clause:

“(vi) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed by a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in subparagraph (A) shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located with the State pursuant to section 122(a).”.

(f) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.”;

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6 month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection”.

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(g) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “January 4, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “December 31, 2009” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “May 3, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obliga-

tions of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—”;

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”; and

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee” and inserting “fees”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(h) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOW POWER TELEVISION STATION.—Section 119(d)(12) is amended by striking “low power television as” and inserting “low power TV station as”.

(3) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(4) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—Section 119(d) is amended—

(A) in paragraph (2)(B), by striking “(as defined in section 397 of the Communications Act of 1934)”;

(B) by adding at the end the following:

“(14) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term ‘noncommercial educational broadcast station’ means a television broadcast station that—

“(A) under the rules and regulations of the Federal Communications Commission in effect on November 2, 1978, is eligible to be licensed by the Federal Communications Commission as a noncommercial educational television broadcast station and is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

“(B) is owned and operated by a municipality and transmits only noncommercial programs for education purposes.”.

(5) MULTICAST STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

“(15) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-re-

lated material affiliated with a television network, other than the primary stream.”.

(6) PRIMARY STREAM.—Section 119(d), as amended by paragraph (5), is further amended by adding at the end the following new paragraph:

“(16) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no such stream, either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(7) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(i) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(j) LOW POWER TELEVISION STATIONS.—Section 119(a)(15) is amended to read as follows:

“(15) SECONDARY TRANSMISSIONS OF LOW POWER TELEVISION PROGRAMMING.—

“(A) IN GENERAL.—Notwithstanding paragraph (2)(B), and subject to subparagraphs (B) through (D) of this paragraph, the statutory license provided for in paragraph (1) shall apply to the secondary transmission by a satellite carrier of the primary transmission of the programming of a non-network station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the programming signal.

“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) ROYALTY FEES.—A satellite carrier whose secondary transmission of the primary transmission of the programming of a low power television station is subject to statutory licensing under this section shall be subject to royalty payments under subsection (b)(1)(B) for any transmission to a subscriber outside of the local market of the low power television station.

“(D) LIMITATION TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—Secondary transmissions provided for in subparagraph (A) may be made by a satellite carrier only to subscribers who receive secondary transmissions of primary transmissions from that satellite carrier pursuant to the statutory license under section 122.”.

(k) REMOVAL OF SIGNIFICANTLY VIEWED PROVISION.—

(1) REMOVAL OF PROVISION.—Section 119(a), as amended by subsections (d) and (j), is amended by striking paragraph (3) and redesignating paragraphs (4) through (17) as paragraphs (3) through (16), respectively.

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “paragraphs (5), (6), (7), and (8)” and inserting “paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under clause (i).”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”; and

(II) by striking “paragraph (12)” and inserting “paragraph (11)”; and

(B) in subsection (b)(1), by striking the final sentence.

(1) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket N. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2009 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license

under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions.

“(C) RULES FOR NEW SUBSCRIBERS AFTER ENACTMENT OF 2009 ACT.—In the case of a person who first seeks to subscribe with a satellite carrier, on or after the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009, to receive secondary transmissions of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), the following shall apply:

“(i) Except in a case in which clause (ii) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered an unserved household with respect to such network, until such time as the satellite carrier makes available to the subscriber and the subscriber receives from the satellite carrier the secondary transmission of the primary transmission of a primary stream or a multicast stream affiliated with that network and located in the subscriber’s local market.

“(ii) If, at the time such person seeks to so subscribe, the satellite carrier does not offer service in the subscriber’s local market pursuant to section 122, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”; and

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentence:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(m) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “2009” and inserting “2014”.

(n) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

#### SEC. 103. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “by satellite carriers within local markets” and inserting “of local television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—The statutory license under paragraph (1) shall apply to the secondary transmission of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station’s local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) LIMITATION.—Subparagraph (A) shall apply only to secondary transmissions of the primary transmissions of network stations or non-network stations to subscribers who receive secondary transmissions from a satellite carrier pursuant to the statutory license under paragraph (1).

“(C) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (B) may request a waiver from such denial by submitting a request, through the subscriber’s satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber’s request for a waiver within 30 days after receipt of the request.

If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

**“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—**

**“(A) IN GENERAL.—**Subject to subparagraphs (B) through (D) of this paragraph, the statutory license provided under paragraph (1) shall apply to the secondary transmission by a satellite carrier of the primary transmission of a network station or a non-network station that is licensed as a low power television station, to a subscriber who resides within the same local market as the station that originates the transmission.

**“(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—**Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

**“(C) LIMITATION TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—**Secondary transmissions by a satellite carrier provided for in subparagraph (A) may be made only to subscribers who receive secondary transmissions of primary transmissions from that satellite carrier pursuant to the statutory license in paragraph (1), and only in conformity with the requirements under section 340(b) of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009.

**“(D) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—**A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.”.

**(c) REPORTING REQUIREMENTS.—**Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to subsection (a)(2), relating to significantly viewed stations.”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to subsection (a)(2), relating to significantly viewed stations, has been added or dropped since the last submission under this subsection.”.

**(d) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—**

**(1) MODIFICATION TO STATUTORY DAMAGES.—**Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

**(2) CONFORMING AMENDMENT FOR SIGNIFICANTLY VIEWED STATIONS.—**Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of subsection (a)(2)(A), or subject to”; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, subsection (a)(2)(A), or”.

**(e) DEFINITIONS.—**Section 122(j) is amended—

(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”; and

(2) by amending paragraph (2)(A) to read as follows:

“(A) IN GENERAL.—The term ‘local market’ means—

“(i) in the case of a television broadcast station that is not a low power television station, the designated market area in which such station is located; and—

“(I) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and

“(II) in the case of a noncommercial educational television broadcast station, any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station; and

“(ii) in the case of a low power television broadcast station, the area that is both—

“(I) within the designated market area in which such station is located; and

“(II) within the area within 35 miles of the transmitter site of such station, except that in the case of such a station located in a standard metropolitan statistical area that has 1 of the 50 largest populations of all standard metropolitan statistical areas (based on the 1980 decennial census of population taken by the Secretary of Commerce), the area within 20 miles of the transmitter site of such station.”;

(3) in paragraph (3)—

(A) in the heading of such paragraph, by inserting “NON-NETWORK STATION; NON-COMMERCIAL EDUCATIONAL BROADCAST STATION;” after “NETWORK STATION;”; and

(B) by inserting “non-network station; noncommercial educational broadcast station;” after “network station;”;

(4) by amending paragraph (4) to read as follows:

“(4) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”; and

(5) by adding at the end the following:

“(6) LOW POWER TELEVISION STATION.—The term ‘low power television station’ means a low power TV station as defined under section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.”.

**SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.**

**(a) HEADING RENAMED.—**

**(1) IN GENERAL.—**The heading of section 111 is amended by inserting at the end the following: “**of broadcast programming by cable**”.

**(2) TABLE OF CONTENTS.—**The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

**(b) NATIONAL EMERGENCY MONITORING EXEMPTION.—**Section 111 is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “; or” and inserting “or section 122;”; and

(B) in paragraph (5), by striking the period and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(6) the secondary transmission is made by a cable system for emergency preparation, response, or recovery as described under subsection (g).”; and

(2) by adding at the end the following new subsection:

“(g) RETRANSMISSION FOR EMERGENCY PREPARATION, RESPONSE, OR RECOVERY.—

“(1) AUTHORITY.—For purposes of subsection (a)(6), a secondary transmission by a cable system of a performance or display of a work embodied in a primary transmission by a television broadcast station is made for emergency preparation, response, or recovery if such transmission is made—

“(A) by a cable system to a Federal governmental body designated by the Office of Emergency Communications, in coordination with the Federal Communications Commission, or an organization established with the purpose of carrying out a system of national and international relief efforts and chartered under section 300101 of title 36; and

“(B) to officers or employees of such body or such organization as a part of the official duties or employment of such officers or employees; and

“(C) at the request of the Secretary of Homeland Security; and

“(D) for the sole purpose of preparing for, responding to, or recovering from an emergency described under paragraph (2).

“(2) EMERGENCIES.—An emergency is described under this paragraph if the Secretary of Homeland Security identifies such emergency as a major disaster, a catastrophic incident, an act of terrorism, or a transportation security incident.

“(3) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Secretary of Homeland Security, in coordination with the Federal Communications Commission, the National Telecommunications and Information Administration, and the Register of Copyrights, shall issue regulations to protect copyright owners by preventing the unauthorized access to the secondary transmissions described in paragraph (1).

“(4) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of the enactment of this subsection and by September 30 of each year thereafter, the Secretary of Homeland Security, acting through the Office of Emergency Communications, shall submit a report to the Committees on the Judiciary, on Homeland Security, and on Energy and Commerce of the House of Representatives and the Committees on the Judiciary, on Homeland Security, and on Commerce, Science, and Transportation of the Senate describing—

“(A) the manner in which the authority granted under paragraph (1) is being used, including to whom and for what purposes the secondary transmissions are being provided; and

“(B) any additional legislative recommendations the Secretary may have.

“(5) DEFINITIONS.—As used in this subsection:

“(A) TERRORISM.—The term ‘terrorism’ has the meaning given that term in section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16)).

“(B) TRANSPORTATION SECURITY INCIDENT.—The term ‘transportation security incident’ has the meaning given that term in section 70101 of title 46.

“(C) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, the environment, the economy, national morale, or government functions in a geographic area.

“(6) EFFECTIVE DATE.—This subsection shall apply with respect to secondary transmissions described under paragraph (1) that are made after the end of the 30-day period beginning on the effective date of the regulations issued by the Secretary of Homeland Security under paragraph (3).”.

(C) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following.”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009, computed its royalty fee consistent with the methodology under subparagraph (C)(iii) or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system’s gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”;

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “HANDLING OF FEES.—The Register of Copyrights”;

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive”; and

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification and audit of the information reported on the semi-annual statements of account filed after the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009. The regulations shall provide for a single verification procedure, with respect to the semi-annual statements of account filed by a cable system, to be conducted by a qualified independent auditor on behalf of all copyright owners whose works were the subject of a secondary transmission to the public by a cable system of a performance or display of a work embodied in a primary transmission and for a mechanism to review and cure defects identified by any such audit.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—



(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”;

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary

transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream’s typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”; and

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—A ‘noncommercial educational station’ is television station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that prior to June 12, 2009 was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no such stream, the single digital stream of programming transmitted by the station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming transmitted by a television broadcast sta-

tion that is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”;

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end;

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms.”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2009 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In

any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

#### SEC. 105. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO MAKE GOOD FAITH EFFORT TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) WILLFUL FAILURE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to make a good faith effort to provide local-into-local service to all DMAs and determines that such failure was willful, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) NONWILLFUL FAILURE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to make a good faith effort to provide local-into-local service to all DMAs and determines that such failure was nonwillful, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier's efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a request for a waiver of the injunction; and

“(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the

date on which the qualified carrier is recognized as such under paragraph (3)(B), the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, and the Committees on the Judiciary of the House of Representatives and the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

“(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, and the Committees on the Judiciary of the House of Representatives and the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(G) ENFORCEMENT.—Upon motion filed by an interested party, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to meet the requirements imposed on the entity under this paragraph.

“(5) FAILURE TO PROVIDE SERVICE.—

“(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not more than \$250,000.

“(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

“(iii) the severity and duration of the service interruption.

“(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

“(A) IN GENERAL.—An entity provides ‘local-into-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term ‘good quality signal’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

#### SEC. 106. TERMINATION OF LICENSE.

(a) TERMINATION.—Section 119, as amended by this title, shall cease to be effective on December 31, 2014.

(b) CONFORMING AMENDMENT.—Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103-369) is repealed.

#### SEC. 107. SURCHARGE ON STATUTORY LICENSES.

(a) SURCHARGES.—The Copyright Royalty Judges shall establish a surcharge or surcharges to be paid, in accordance with subsection (b), by cable systems subject to statutory licensing under section 111(c) of title 17, United States Code, and satellite carriers whose secondary transmissions are subject to statutory licensing under section 119(a) of

such title, in addition to the royalty fees paid by such cable systems under section 111(d)(1) of such title and by such satellite carriers under section 119(b)(1) of such title.

(b) AMOUNT AND TIMING OF SURCHARGES.—Surcharges under subsection (a) shall be assessed, during fiscal years 2009 through 2019, in amounts that, in the aggregate, will equal at least \$92,000,000.

(c) FUNDS UNAVAILABLE FOR OBLIGATION.—Surcharges collected under this section shall be deposited in the Treasury of the United States and shall not be available for obligation.

(d) AUTHORITIES.—The Copyright Royalty Judges may exercise the authorities such Judges have under chapter 8 of title 17, United States Code, to carry out this section.

#### SEC. 108. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this title, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

### TITLE II—COMMUNICATIONS PROVISIONS

#### SEC. 201. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### SEC. 202. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “December 31, 2009” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “January 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

#### SEC. 203. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”

(b) RULEMAKING REQUIRED.—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

#### SEC. 204. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

“(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”; and

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”; and

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”; and

(III) in the heading for clause (ii), by striking “ANALOG”; and

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”; and

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier.”

(iv) in subparagraph (C)—

(I) by striking “analog”;

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “the Satellite Home Viewer Reauthorization Act of 2009”; and

(III) by amending clause (ii) to read as follows:

“(i) either—

“(I) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338, and the retransmission of such signal by such carrier can reach such subscriber; or

“(II) receives from the satellite carrier the programming of a network station affiliated with the same network that is broadcast by a local station in the market where the subscriber resides, but such programming is not contained within the local station’s primary video.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”;

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) SIGNAL TESTING.—A subscriber shall be eligible to receive a distant signal of a distant network station affiliated with the same network under this section if such subscriber is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Home Viewer Reauthorization Act of 2009”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 180 days after the date of the enactment of the Sat-

ellite Home Viewer Reauthorization Act of 2009, the Commission shall take all actions necessary to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of a conventional, stationary, outdoor rooftop receiving antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06-94 within 180 days after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009.

“(C) STUDY OF TYPES OF ANTENNAS AVAILABLE TO RECEIVE DIGITAL SIGNALS.—

“(i) STUDY REQUIRED.—Not later than 1 year after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, the Commission shall complete a study regarding whether, for purposes of identifying if a household is unserved by an adequate digital signal under section 119(d)(10) of title 17, United States Code, the digital signal strength standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or the testing procedures in section 73.686 of title 47, Code of Federal Regulations, such statutes or regulations should be revised to take into account the types of antennas that are available to and used by consumers.

“(ii) STUDY CONSIDERATION.—In conducting the study under clause (i), the Commission shall consider whether to account for the fact that an antenna can be mounted on a roof or placed in a home and can be fixed or capable of rotating.

“(iii) REPORT.—Not later than 1 year after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

“(I) the results of the study conducted under clause (i); and

“(II) recommendations, if any, regarding changes to be made to Federal statutes or regulations.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the

subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”; and

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

#### SEC. 205. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by sections 203 and 204 of this Act, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the Federal Communications Commission shall follow its rules and regulations for determining such subscriber’s eligibility as in effect on the day before the date of enactment of this Act until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this title:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

#### SEC. 206. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

#### “SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009—

“(A) the satellite carrier’s satellite beams are designed, and predicted by the satellite manufacturer’s pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite’s launch that

precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant’s knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer’s pre-launch tests, showing that the contours of the carrier’s satellite beams as designed and the geographic area that the carrier’s satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant’s knowledge, there have been no satellite or sub-system failures subsequent to the satellite’s launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term ‘good quality satellite signal’ means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier’s subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations’ signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier’s application for certification under this section.”

#### **SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.**

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, prior to the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the high-definition signals of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition.

“(B) NEW INITIATION OF SERVICE.—If, after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, the such satellite carrier shall carry the high-definition signals of all qualified noncommercial educational television stations located within that local market.”

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract with a qualified noncommercial educational television station, or its representative, that is in force and effect as of the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009.”

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term ‘qualified noncommercial educational television station’ has the meaning given such term in section 615(1)(1) of this Act.”

#### **SEC. 208. SAVINGS CLAUSE REGARDING USE OF NON-COMPULSORY LICENSES.**

(a) IN GENERAL.—Nothing in this title, the Communications Act of 1934, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station’s signal.

#### **SEC. 209. SAVINGS CLAUSE REGARDING DEFINITIONS.**

Nothing in this title or the amendments made by this title shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

### **TITLE III—REPORTS**

#### **SEC. 301. DEFINITION.**

In this title, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

#### **SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.**

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

**SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.**

(a) **STUDY.**—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

**SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.**

Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive local broadcast stations from a station of license that is located in a different State;

(2) the extent to which consumers have access to in-state broadcast programming; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

**TITLE IV—SEVERABILITY**

**SEC. 401. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I also further ask unanimous consent that the gentleman from Virginia (Mr. BOUCHER) be yielded 10 minutes of my time and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Madam Speaker and Members, H.R. 3570 extends the compulsory copyright license for satellite television providers for another 5 years, as Congress has done in each of the last two other cycles that this measure has been reauthorized.

□ 1715

This is an important intellectual property law and will also make a number of critical updates and much-needed clarifications to the compulsory copyright licenses for both satellite and cable television. Passage of this legislation before the end of the year is crucial. We must pass this bill in both bodies by December 31. If we don't pass this bill, thousands upon thousands of satellite television subscribers will lose their signals.

In addition to simply reauthorizing the license, the bill ambitiously tackles several other issues for consumers, for content owners, and for cable and satellite companies as well. For example, this bill restores the section 119 license to DISH Satellite Network if they serve every market in the United States, even neglected rural markets. The bill also resolves the phantom signal problem that has caused instability and confusion for the cable and content industries, to the detriment of consumers.

In addition, the bill provides an audit right to content owners so they can be sure that they are being fairly compensated for the use of their intellectual property. It significantly increases penalties for copyright infringement under the licenses and updates the licenses to reflect the national digital television transition.

The Judiciary Committee marked this bill up in September and reported it with a unanimous vote of 34-0. Since the markup, we have worked with the Energy and Commerce Committee, which has jurisdiction over communications policy. The bill that we vote on today is a combined Judiciary and Commerce bill. Title I contains the Judiciary piece on copyright. Title II contains the Commerce piece on communications. The committees have done their best to respect each other's jurisdiction, and I thank the chairman of the committee for his cooperation.

Since the markup, we have made further improvements to the language. We've attempted to address some concerns expressed by members of the committee. The changes include: harmonizing the so-called "grandfathering" provisions in the bill with those in the Energy and Commerce bill to ensure that consumers who lawfully receive certain kinds of programming are not abruptly cut off because of changes in the law; providing a method for calculating the value of multicast pro-

gramming schemes under the section 111 license; strengthening the protections for copyright owners in the qualified carrier provision, which provides an incentive for a satellite carrier to serve every market in the United States; increasing the effectiveness of the national emergency provisions; and authorizing a study of how the compulsory licenses may be phased out in favor of direct negotiation for copyrights over time without disrupting the television marketplace.

Title I also includes a savings clause to make absolutely clear that the changes we make and issues we address have no application to communications law unless specifically mentioned. The committee is amending the cable and satellite licenses to reflect the digital transition—something new—and multicasting, in particular, as it pertains to copyright law only. Nothing in this title should be used as a basis for conclusions concerning cable and satellite regulation in areas where Congress has not yet spoken.

Among the many Members who contributed to this progress, I would like to single out in particular my good friend from Virginia, RICK BOUCHER, who serves in the dual role as a senior member of the Judiciary Committee and the Chair of the Telecommunications Subcommittee. I also must thank LAMAR SMITH, the ranking member of the Judiciary Committee, for helping work to improve the bill in several ways. Of course the distinguished chairman of Energy and Commerce, Chairman HENRY WAXMAN, and Ranking Member BARTON for all their counsel and cooperation which made this legislation possible.

We've been working on these issues for more than a year now, and the result is a consensus bill among just about all of the industry stakeholders, including satellite and cable companies, studios, sports leagues, public television and several others. Most importantly, it's a bill that improves service to television consumers and fosters efficiency and competition between cable, satellite, and broadcasters. The satellite license expires in less than a month, December 31, and we must have this reauthorized without delay to avoid the immediate loss of service to tens of thousands of satellite consumers.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,

Washington, DC, October 28, 2009.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 3570, the "Satellite Home Viewer Update and Reauthorization Act of 2009."

H.R. 3570 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting



its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3570 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3570 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, October 28, 2009.

Hon. BENNIE G. THOMPSON,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

Per your request, I will include a copy of your letter and this response in the Committee report, as well as in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
*Chairman.*

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself as much time as I may consume.

H.R. 3570, the Satellite Home Viewer Reauthorization Act of 2009, in my judgment, is the single most important copyright bill Congress will consider this year. The legislation combines two separate bills: H.R. 3570, which was introduced by Chairman CONYERS and reported by the Judiciary Committee on September 16, 2009, and H.R. 2994, which is the Energy and Commerce Committee's related measure that contains amendments to the Communications Act.

The combined bill extends the compulsory license in section 119 of the Copyright Act that authorizes satellite carriers to deliver distant network programming to subscribers. Far fewer consumers rely upon this license to receive network programming than in past years, but there still remain about 1 million households that will lose such programming if the license is not extended beyond the end of this year, which is when it is currently due to expire. To avoid this outcome, the bill extends the compulsory license an additional 5 years to December 31, 2014. My

hope is that this will be the last time Congress needs to reauthorize what was originally envisioned to be a temporary license.

H.R. 3570 also contains a number of significant amendments to the cable license in section 111 of the Copyright Act governing the retransmission of both local and distant programming, and the local programming license in section 122 that governs the satellite retransmission of local-into-local programming. The most significant immediate change to the cable license is a negotiated resolution of the phantom signal liability issue that I appreciate the chairman including in this bill.

I commend Chairman CONYERS for his decision to expand this reauthorization beyond the narrow limits of the expiring section 119 provisions. While circumstances prevented us from being able to iron out all the wrinkles from these related licenses, I'm pleased we were able to make substantial improvements and address some of the most urgent concerns. Among the elements for which there was bipartisan support to include in this bill are provisions that, one, modernize a license to account for digital broadcasting; two, preserve the ability of consumers to continue to receive lifeline network programming; three, make clear that copyright owners are generally entitled to a royalty for each stream of multicast programming; and four, establish a new audit right to permit copyright owners to make sure they are being paid the royalties they are entitled to.

Madam Speaker, I have strong reservations about the decision to permit DISH Network to again benefit from section 119's distant signal license in light of its prior record of willful infringement. However, I share the goal of making sure more Americans can benefit from satellite delivery of local-into-local programs. I'm grateful for Chairman CONYERS' recognition of the seriousness of these concerns and his willingness to work with me and Chairman BERMAN to strengthen the deterrence and enforcement provisions in the bill. The enhanced penalties we've included for any future violation, along with provisions that require the GAO to audit DISH for its compliance with the law and DISH to certify its compliance to the Federal District Court, reflects substantial improvements from previous versions of the bill. The incorporation of these provisions reflect a carefully negotiated and fair compromise.

Madam Speaker, I urge my colleagues to support H.R. 3570, the Satellite Home Viewer Reauthorization Act. When enacted, this bill will both preserve and expand the ability of Americans to view vital network and independent station programming without interruption.

Madam Speaker, again, I want to thank the chairman for working with us to come up with a good bipartisan product. And this bipartisan effort, by

the way, has gone on since last February.

I would now like to recognize several staff members on both sides of the aisle who have contributed so much to the success of this legislation. Those staff members would include David Whitney, sitting to my left here on the House floor on our side; and on the majority's side it would be Stacey Dansky, the chief copyright counsel, and Elizabeth Kendall, counsel as well. I thank Chairman CONYERS again for his cooperative efforts in getting this House bill to the floor today.

I ask unanimous consent that the gentleman from Florida (Mr. STEARNS), a senior member of the Commerce Committee, be able to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. With that, I will reserve the balance of the time.

Mr. CONYERS. Madam Speaker, I would like to insert into the RECORD at this point a more detailed description of the changes that have been made in the bill since it was reported.

#### EXPLANATION OF CHANGES TO SHVRA

##### INTRODUCTION

The Committee believes that the licenses in Sections 111 and 119 should be updated to accommodate the growing practice of multicast broadcasting, by which television stations transmit multiple streams of digital television programming over a single broadcast signal. While the Committee has endeavored to avoid including in the bill any provisions that would interfere with existing communications law and regulation, the Committee has been cognizant of the interplay between the copyright and the communications elements of the legislation and intends to confine its amendments to the copyright licenses only.

In addition to addressing issues raised by multicasting in the 111 and 119 licenses, this bill addresses important concerns raised by Members at markup.

The penalties for willful and large-scale infringement of the license have been increased, and some damages now go directly to the pool of copyright owners.

The qualified carrier provisions have also been clarified and strengthened. While nothing in the qualified carrier provisions reported by the Committee lessened the qualified carrier's obligation to comply with all aspects of the Section 119 license, the Committee recognizes that the royalty and household eligibility requirements of the Section 119 license should not be overshadowed by the qualified carrier's unique commitment to provide local-into-local service to all 210 markets. Therefore, the bill provides for at least one compliance examination and a certification requirement for the qualified carrier.

Finally, the bill responds to some Members' concerns about the continued necessity of these compulsory copyright licenses by providing for a study of policy alternatives that may enable Congress to phase out the licenses without unfairly altering the television market or diminishing the value of the copyrights involved.

##### I. SECTION 111 MULTICASTING

With the transition from analog to digital technology, questions have arisen as to how digital streams shall be treated for cable

royalty purposes. The definitions in Section 111 have been amended to address the multiple digital streams that television stations are now able to transmit. The definition of "primary transmission" now includes both the primary stream and any multicast streams transmitted by a television station. The "local service area" definition has been amended to clarify that the primary stream of a television broadcast station and any multicast streams of that station have the same local service area. For example, if the FCC has determined that a television broadcast station is "significantly viewed" in a particular area, that area will be part of the local service area of all of the station's digital streams for purposes of section 111. This definition is relevant to the Copyright Act only, and is not intended to create any inference in favor or against carriage obligations for cable multicast streams, which are the exclusive jurisdiction of the Communications Act and the Federal Communications Commission.

The calculation of royalties under the cable license has been amended to value multicast signals. The "distant signal equivalent" definition now specifies that each non-simulcast primary and multicast stream carried outside of its local service area will be subject to a separate royalty payment calculation by cable operators and should be evaluated separately to determine its distant signal equivalent value assignment.

Section 111 allows cable systems to pay less than full DSE rates where FCC rules permit only a portion of a distant signal to be carried. This amendment gives the same treatment to multicast streams. The significantly viewed status of a primary stream under the FCC rules and regulations also applies to the multicast streams of the same television stations, to determine distant or local status for royalty purposes. However, the 3.75 percent "market quota rate" and the "syndicated exclusivity" surcharge royalty rates are only payable for retransmission of primary streams, and are not applicable to secondary transmission of multicast streams.

In order to clarify the different types of digital streams that may be offered by television stations, definitions for "primary stream," and "multicast stream" have been slightly altered and a definition has been added for "simulcast stream," in Section 111. A "primary stream" is the digital stream that a television station is entitled to demand be carried by cable systems located within the station's local service area under the FCC's rules in effect on July 1, 2009. A "multicast stream" is any digital stream transmitted by a television station other than the primary stream.

The Committee recognizes that some broadcasters may use their multicast streams to create "simulcast" streams—i.e., streams that duplicate the programming on the broadcaster's primary stream or on other multicast streams. For example, a broadcaster may transmit the same content on two streams, but one stream will be in high definition format and the other will be in standard definition. In such instances, a DSE value will be assigned only to one of the duplicating streams. The Copyright Office may, as multicasting evolves, determine whether there are other circumstances in which two streams should be considered duplicating.

The definitions of "network station," "independent station," and "noncommercial station" have all been expanded to include a television station's multicast streams as well as its primary stream. The "network station" definition incorporates the conditions under which a multicast stream may be deemed a network station for royalty purposes. Thus, to be considered a network sta-

tion for royalty purposes, a multicast stream must transmit all or substantially all of the programming from an interconnected program service that (a) is owned and operated by one or more of the networks that supply nationwide programming for a substantial part of the typical broadcast day and (b) offers programming on a regular basis for 15 or more hours per week to at least 25 affiliated television station licensees located in at least 10 states. These revisions do not alter the statutory definition of "network station" as it applies to a primary stream.

DSE values are applied to individual multicast streams as of the date of enactment, except where a cable system was retransmitting a distant multicast stream prior to that date, in which case the assignment of a DSE value to that multicast stream shall commence on July 1, 2010. Separately, a multicast stream retransmitted by a cable system subject to an agreement requiring carriage of multicast streams that was entered into prior to July 1, 2009 will not be assigned a DSE value for royalty purposes until the first accounting period after the expiration of the agreement.

While cable operators that did not account for multicast streams in their royalty calculations prior to the effective date are not retroactively liable for royalties for such carriage, cable operators that did may not seek refunds or offsets of any royalties paid on account of such secondary transmissions.

The Committee does not intend that any of its audit provisions in this bill alter existing liability and related damages for copyright infringements.

## II. SECTION 119 GRANDFATHERING

The Committee also believes that simply because Congress changes the law, law-abiding consumers should not be deprived of programming they have become accustomed to receiving without fair warning. In Section 119, where changes to the law that govern the treatment of multicast streams have the potential to render certain consumers ineligible for distant signals that consumers are currently receiving, grandfathering provisions have been added to facilitate a smooth transition to the changed compulsory license system.

Households classified as "unserved" with respect to a particular network station are the only households eligible to receive secondary transmissions of an affiliate of that network station under the Section 119 license. The advent of multicasting has introduced confusion about whether a "multicast stream" of a particular network renders a household served, which would force the satellite carrier to stop providing distant signal programming to the household for that network.

The bill harmonizes the preexisting grandfathering provisions with those in the Energy and Commerce bill to ensure a smooth transition to a new regime in which, in three years' time, any stream of local programming, primary or multicast, will render a household served. Specifically, the bill provides that households that subscribed to distant signals before the date of enactment who were lawfully receiving them can keep those distant signals until the subscriber elects to no longer receive those signals.

A household that requests a network's distant signal from a satellite carrier after enactment can receive such a signal if: (1) the household is in a market where the satellite carrier offers local service, but does not yet receive from the satellite carrier the primary stream of an affiliate of that network that originates within its local market (in which case the subscriber can keep the distant signal until he or she does receive such stream from the satellite carrier); or (2) the

household is in a market where the satellite operator does not yet offer local service (in which case the subscriber can keep the distant signal until he or she decides to discontinue it).

## III. INCREASED PROTECTIONS FOR COPYRIGHT OWNERS IN SECTION 119

The bill also responds to concerns expressed by Committee Members at the markup by increasing transparency and accountability by the qualified carrier concerning its obligations to copyright owners. A certification provision similar to the one passed by the Committee on Energy and Commerce has been added. It requires the satellite carrier to certify to the district court and the Copyright Office that it remains compliant with the license 30 months after the district court initially recognized the satellite company as a qualified carrier.

The bill provides for at least one Qualified Carrier Compliance Examination. This examination is not intended to be punitive. The Committee anticipates that the Comptroller General will take precautions to ensure that compliance with its examination does not burden the qualified carrier any more than is necessary to examine the qualified carrier's observance of the proper royalty calculation, payment and adherence to the license's standards for eligible households. Only if the Comptroller General, in consultation with the Register of Copyrights, determines that there is a substantial likelihood that a copyright owner could bring a successful infringement action will a second examination be initiated.

The report does not replace the judgment of the district court, which retains exclusive jurisdiction over the waiver of the injunction and assessment of damages against the qualified carrier.

The Committee has taken one other additional step to strengthen protections for content-owners. The Committee has increased the damages available for infringement of copyright by any satellite carrier who engages in a pattern or practice of wrongful provision of distant signals on a substantially national basis. Statutory damages of up to \$2,500,000 are now available for each 3-month period of infringement. Furthermore, these vastly increased damages will be split between the plaintiff and the pool of copyright holders whose funds are distributed by the United States Copyright Office, to compensate copyright owners who may have been unaware of the infringement.

## IV. STUDY OF ALTERNATIVES TO COMPULSORY LICENSES

Despite these improvements, the Committee is aware that the compulsory license is not a perfect system. It is, however, deeply entrenched in the current cable and satellite television industries, and cannot be eliminated at the present moment without causing serious disruption for both the industries and the consumers. The compulsory license expires at the end of the year and must be reauthorized, but we know that the television marketplace and broadcast technology will continue to evolve. This legislation provides for a study of whether the licenses can be eliminated in the future, and how the marketplace could and should transition away from the licenses.

Madam Speaker, I yield with pleasure to Chairman BOUCHER.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Michigan for yielding the customary 10 minutes to the Energy and Commerce Committee.

At this time, I would like to yield such time as he may consume to the

gentleman from the State of California (Mr. WAXMAN), the chairman of the full Energy and Commerce Committee.

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. I want to commend Mr. BOUCHER, the chairman of the Subcommittee on Communications, Technology, and the Internet as well as Subcommittee Ranking Member STEARNS for their hard work on this bill. Mr. BOUCHER has been working on these issues since the first satellite TV bill in 1988, and he and his staff have been a tremendous resource for all of us as this bill has moved forward. Of course I also want to thank and recognize Mr. BARTON and his staff for their work on this legislation. This has been a bipartisan effort from the start of the 111th Congress, and I appreciate the cooperative manner in which this legislation was processed.

This bill is an important step forward for consumers. The communication provisions of this bill update the Communications Act to take account of the transition to digital television. The bill makes changes to the existing rules on "significantly viewed" signals in an effort to promote competition between satellite and cable companies. It directs the FCC to study issues that directly impact consumers, and it establishes a regime that should bring for the first time satellite-delivered local television programming, so-called "local-into-local" service, to communities throughout the country that currently lack such service.

These can be arcane issues, but they determine the availability of satellite-delivered video programming to American households. It involves communications and copyright law, and we need, as technology evolves, to revisit the issues and strike the right policy balance.

The task of combining separate Energy and Commerce and Judiciary Committee bills into a single product was complex and time consuming, but the final product is a balanced, bipartisan measure. I would like to commend Chairman CONYERS, Ranking Member SMITH and Judiciary Committee staff for working cooperatively with the Energy and Commerce Committee to produce a final bill. I note that the bill before us incorporates the language of H.R. 3570 as well as H.R. 2994. H.R. 3570 was referred solely to the Committee on the Judiciary, while H.R. 2994 was referred solely to the Committee on Energy and Commerce. The members of both committees worked diligently on their respective bills to address issues within the jurisdiction of each committee, and both committees filed reports on their separate bills.

Accordingly, the legislative history of H.R. 3570 incorporates the legislative history of H.R. 2994. The Judiciary Committee's title of this bill concerns the use of compulsory copyright licenses by cable and satellite companies

to retransmit broadcast television programming.

□ 1730

The reauthorization and refinement of these provisions will serve to promote competition for pay television services and to ensure that consumers can continue to benefit from this competition.

The Judiciary Committee wisely chose to address for the first time the existence of the so-called "multicast" signals and how these signals are being treated with respect to the compulsory copyright license. It is important to note, however, that the Judiciary Committee's treatment of multicast signals does not, and should not, have any bearing on the treatment of multicast signals in other regulatory or statutory contexts.

Simply put, the treatment of multicast in title I of this bill is limited in application to copyright law. It is imperative that the way multicast signals are treated under copyright law cannot be confused with the way multicast signals are treated under communications law. Similarly, it's important that the communications law provisions of this bill do not affect copyright law beyond what is explicitly intended by the act.

To address this concern, the legislation includes savings clauses that make clear that the melding of two complicated statutes should not lead to changes in title 47 or title 17 beyond the scope of this reauthorization. These clauses are important provisions designed to avoid unintended consequences.

In sum, I believe we have before us a carefully crafted bill that strikes the right balance among an array of complicated legal and policy matters. The bill is good for consumers, and I urge my colleagues to vote to approve this legislation.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

My colleagues, this bill is about a hundred pages, and the Judiciary Committee had probably the majority of this bill. We start at page 74 in title II, and the preponderance is in the Judiciary. But the bill is critical in the sense that this act itself is going to expire at the end of this month and we need to make sure that this passes.

This has been a great display of bipartisanship. You had two committees. The Judiciary Committee and the Energy and Commerce Committee had separate bills just like they have in the Senate. The Senate has a separate bill in their Commerce Committee and also in the Judiciary. But we've come together, and it's a tribute to Mr. BOUCHER and Mr. WAXMAN as well as Mr. BARTON that we came together here in the House of Representatives with a bipartisan bill, and we now have it on the floor. And we're hopeful that the Senate will do the same thing, because at this point, they haven't, and we might

have to have an extension. I hope not. But I think it's been outlined pretty much, some of the aspects about it, so I'm going to concentrate in the areas that deal with telecommunications, a committee I serve as the ranking member.

The Communications Act provisions make clerical and substantive changes to reflect the end of analog broadcasting. That's a statement in itself with the new digital spectrum.

They also require an FCC report on whether the signal strength and antenna standards for distant signal eligibility should be modified in light of the DTV transition. They implement the deal DISH has struck with broadcasters to regain authority to provide distant signals if they offer local-into-local service in all 210 markets. They clarify that nothing in this act affects must-carry rights. They clarify that if a subscriber starts receiving from their satellite operator the network programming from a local station's multicast stream, the subscriber shall no longer receive a distant signal carrying that network's programming. They include language clarifying that restrictions on use of compulsory licenses do not limit private deals negotiated without compulsory licenses, such as to provide in-State programming to orphan counties. It requires an FCC report analyzing, one, the number of households that receive out-of-State signals; two, the extent to which consumers have access to in-State programming; and, three, whether there are alternatives to use of the existing Nielsen-defined markets.

Earlier, LAMAR SMITH, the gentleman from Texas, mentioned there are some things that have to be ironed out, and I think that's true.

While it still contains, in this bill, a provision we opposed in the committee during the markup that tries to twist DISH's arm into carrying public broadcasting stations in high-definition format, and I was the one that spoke against this, the additional views in the committee report reflect our concerns, and there is a chance that provision will become moot since, obviously, the parties are in negotiation, and we're hoping for a favorable negotiation so that will work itself out.

Madam Speaker, I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself such time as I may consume.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Madam Speaker, in a collaborative process, the House Energy and Commerce and Judiciary Committees are presenting to the House this afternoon a renewal of the Satellite Home Viewer Act, provisions of which are scheduled to expire at the end of this year. The act enables the delivery by satellite of distant network signals to homes that cannot receive network programming from a local television station.

We're taking the opportunity of this reauthorization to achieve a long-held goal of having all 210 local television markets across the Nation uplinked by satellite for retransmission of those local stations back into the market of their origination. The goal is to ensure that satellite TV subscribers everywhere will be able to receive both national television programs and local TV stations that serve their area.

At the present time, there are 28 local television markets in rural areas in various places of the Nation that do not have local television signals delivered by either of the major satellite television carriers, and much of our effort this year has been directed toward finding a way to obtain satellite carriage of these 28 rural markets for local television signals.

Earlier this year, following extensive discussions with the company, I received a letter from EchoStar, a company commonly known in the trade as the DISH Network, agreeing to uplink for local retransmission all 210 local television markets upon certain conditions. One condition is that the company receive the ability in our legislation to import into the markets distant network signals in order to supply the missing networks in the markets that do not have a full complement of the networks represented by local affiliates. The bill that we're presenting today grants that permission if EchoStar, in fact, provides local TV service in all 210 television markets nationwide.

Another condition of the company's willingness to serve all 210 markets is that the law not impose new carriage obligations that the company would have to devote its satellite capacity in order to meet. While the bill does impose some new carriage obligations, I'm optimistic that they will not be so extreme as to prevent EchoStar from launching local TV service in all 210 local markets over the coming year.

Providing local TV service in the 28 currently unserved local markets will make local TV news, sports, weather, essential emergency information, and locally originated programs available in every part of the Nation, a goal that we're now very close to achieving. Serving the 28 now unserved local TV markets involves a major expenditure by EchoStar for ground-based facilities in each of the currently unserved markets and for the launch, in 2010, of a new satellite that itself will cost hundreds of millions of dollars.

I want to commend EchoStar for expressing a willingness to make these very substantial investments if we pass legislation that meets the conditions I have previously described, and I think our legislation does. I also commend television broadcasters and DirecTV, the other major satellite television provider, both of which groups played highly constructive roles as our negotiations proceeded. And I want to thank the gentleman from Michigan (Mr. STUPAK), a member of our Com-

merce Committee, for bringing to our attention in very forceful terms the need to serve all of the 28 currently unserved local television markets across our Nation.

The bill before us makes other changes needed to harmonize the satellite carriage licenses with the transition from analog to digital television broadcasting, and it will result in more high-definition carriage of public broadcasting television under the terms of an amendment that was offered by the gentlewoman from California (Ms. ESHOO) and adopted during Commerce Committee consideration of our bill.

I want to say thank you this afternoon to Chairman CONYERS and his excellent staff for the cooperation with my staff and with me as our two committees structured the bill that we present to the House this afternoon. And I want to say thank you to the gentleman from Texas (Mr. SMITH) and the gentleman from Florida (Mr. STEARNS) for the highly constructive and cooperative bipartisan role that they have played in helping us move this measure through our two committees.

Madam Speaker, I urge approval of the bill, and I reserve any time I may have remaining.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEARNS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished ranking member of the Energy and Commerce Committee.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentleman from Florida for yielding.

Madam Speaker, I rise in support of the Satellite Home Viewer Update and Reauthorization Act of 2009. I want to thank the majority in both the Energy and Commerce Committee and the Judiciary Committee for working with the minority. This is one of those rare instances in this Congress when there has been bipartisan cooperation and the result is a bill that both sides can support.

The bill itself is an example of what Congress should be about. It is an authorization bill with a finite authorization—in this case, 5 years—that authorizes the transfer of satellite signals to home viewers who cannot get cable or over-the-air broadcast signals. The industry today is much different than it was 20 years ago when we first authorized the Satellite Home Viewer Act, and this bill reflects that. As we are transitioning to digital television and high-definition television, this bill takes those technical advances into consideration, which I think is a good thing.

There is one provision in the legislation that is nettlesome from my point of view. We have adopted a provision that I opposed in committee that forces the DISH Network to carry high-

definition signals for public broadcast stations. I'm not opposed to public television being broadcast in high definition, but I don't think it's the end of the world if DISH chooses for right now not to carry those signals because they're engaged in an upgrade of their base and won't be able to do so in their business model until 2013. So congressional intervention in this bill in that case is something that I wish was not in the bill. There is a chance, however, that the parties will negotiate and this provision of the bill will become moot by the time the bill moves to the other body.

With that said, Madam Speaker, this is a good piece of legislation. I want to compliment Ranking Member STEARNS, who's worked very hard on it, and the staffs on both sides of the aisle for their hard work, and I would hope the House will pass this bill at the appropriate time.

Mr. CONYERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1745

Mr. STEARNS. Madam Speaker, it is my pleasure to yield as much time as she may consume to the gentlelady from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I do rise in support of SHVERA, as we call it. And for those individuals that live in rural areas like my Seventh District in Tennessee, fixing a short market problem, which we have heard discussed on this floor tonight, is much more than just a convenience or an "I want to see TV" issue. For us, it is an issue of health and security and public safety. And by working to expand the definition of the unserved customer, which we have done on a bipartisan basis in this bill, my constituents in rural west Tennessee counties like Hardin and Hardeman and Chester are now going to be able to get that distant satellite signal that we've discussed.

The reason it is important for us is because a couple of years ago, we had a devastating tornado that swept through west Tennessee and touched down in our district. Nearly three dozen Tennesseans were killed and 150 people were seriously injured. Communities were paralyzed and had significant difficulty in receiving news alerts and communicating.

By fixing this short market, we will all rest a little better knowing that should we be faced with any other such disaster of this magnitude, that we will be better prepared and able to respond and to persevere.

I do want to take a moment to thank Chairman CONYERS, Chairman BOUCHER, Ranking Member BARTON, and Ranking Member STEARNS for all of their hard work in fixing this short market issue and helping to resolve this issue for my constituents in Tennessee.

As has been said, the bill's not perfect, and there is an area that has been mentioned mandating that a private

company like DISH Network carry public broadcasting in high def. It really does go against free market principles. I do know that is going to continue to be worked on. We are looking forward to getting that issue resolved.

I thank the gentleman from Florida.

Mr. STEARNS. Madam Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Florida has 7½ minutes.

Mr. STEARNS. I yield such time as she may consume to the gentlelady from Wyoming (Mrs. LUMMIS).

(Mrs. LUMMIS asked and was given permission to revise and extend her remarks.)

Mrs. LUMMIS. I would like to thank the chairman and ranking member of the Judiciary Committee for the inclusion of language from my bill on statewide public television. Passage of this legislation will remove the legal obstacles for satellite carriers to offer statewide public television in Wyoming and other States. I don't care whether it's in high def or not. I just want public television carried in Wyoming and other States, and that's been achieved. So thank you kindly.

I also thank the gentleman from Georgia (Mr. DEAL) who worked diligently to address the problem of local television market areas. Despite his good work, I rise today to express regret for the missed opportunity the passage of this bill represents.

The decision to put off for another 5 years any real reform to the system of designated market areas carries with it very negative consequences for the citizens of my State. Out of Wyoming's 23 counties, 16 do not have satellite access to Wyoming-based stations. Over half of all television households in Wyoming do not have access to local television.

For a rural State like Wyoming, satellite sometimes represents the only viable option to receiving television programming. The inability to receive local stations restricts access to local content and severely limits the reach of emergency notifications.

Emergency situations, like the butane tank truck that recently overturned on an icy highway during a blizzard, should serve as proof that the availability of local stations on satellite television is not just an entertainment issue. The DMA system may make sense for the densely populated areas in the East, but it has created an absurdity in the sparsely populated areas of the West. I am grateful for the inclusion of a study to find a better way to determine what the local market is.

But, Madam Speaker, people in Wyoming do not need a study to tell them that when their network TV station originates 400 miles away from a different State, they are not receiving the local content they need. For this reason, I cannot support passage of this bill despite its tremendous improvements.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in support of H.R. 3570, the Sat-

ellite Home Viewer Update and Reauthorization Act of 2009. I strongly support this important piece of satellite television reauthorization legislation.

H.R. 3570 reauthorizes satellite operators' licenses to import distant network affiliate television signals to viewers who cannot receive a viewable signal from their local affiliate. This is important as it allows satellite and cable television providers to carry out-of-market television signals to households that cannot receive stations in their own local markets. This allows state public television networks to reach all their state's residents with important news and public affairs programming.

Alongside the chairman, I worked hard to get the phantom signal language included in the bill. I am proud of the final product and believe it is something about which all Americans can be proud.

Previously, due to flaws in existing law, broadcasters sometimes paid royalties to content reducers even when programming was not actually delivered to subscribers. Royalties for the transmission of broadcast signals to cable systems were paid as if the entire cable system received the transmission, even if it was only received by some subscribers within the cable system. This has been known as the phantom signal problem. The cost of this flaw was passed down to consumers. With the passage of this reauthorization, including my phantom signal language, the American people will no longer be forced to pay for programming they have not received.

I join the chairman in urging my colleagues to support this bill. As a result of this legislation, constituents in my district will not be forced to pay for satellite and cable programming they have not received and, as a result, save money in this economy.

Mr. STEARNS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3570, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE  
CHIEF ADMINISTRATIVE OFFICER,  
Washington, DC, December 1, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives, Washington,  
DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the U.S. District Court for the District of Connecticut, in connection with a criminal matter now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DANIEL P. BEARD.

#### CONGRATULATING THE DETROIT CATHOLIC CENTRAL SHAMROCKS

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Madam Speaker, today I rise to recognize the Michigan Division 1 State High School Football champions, the Detroit Catholic Central Shamrocks. On November 27, 2009, the Shamrocks defeated a fine Sterling Heights Stevenson team 31–21.

The victory earned head coach Tom Mach his 10th State championship in his 34 seasons leading the Shamrocks. The team's hard work, mental toughness, and burning desire epitomizes what it means to be a Shamrock molded by the Basilian Fathers and their mission to teach young men goodness, discipline, and knowledge. Truly this accomplishment is shared by the entire CC family.

Madam Speaker, meeting the challenge with an undefeated record of 14–0, I ask my colleagues to join me in congratulating the Detroit Catholic Central Shamrocks upon winning their Michigan State football championship and for proving they are indeed men of Mary, Alma Mater, who inspires us evermore.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### THE WRONG DECISION ON AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Madam Speaker, first I want to commend President Obama for thinking long and hard about the course that he believes the United States should take in Afghanistan. That kind of deliberation is a welcome change from the previous administration. I also want to commend him for making it crystal clear that the United States of America condemns torture.

Unfortunately, on the issue of troop levels in Afghanistan, I believe the President has reached the wrong conclusion. Sending 30,000 more U.S. troops to Afghanistan will make it 30,000 times harder to extricate ourselves from this mess. If our fight is truly with al Qaeda, then we're in the wrong country. They have moved to Pakistan. Indeed, General Jones has told us that there are maybe less than 100 al Qaeda members in Afghanistan. With the troop increase announced by the President last night, we will have over 100,000 U.S. service men and women in Afghanistan. Do we really need 100,000 troops to go after less than a hundred al Qaeda?

President Karzai is corrupt and incompetent. He cheated in the most recent election. By most estimates, 30 percent of his votes was rigged. I don't want any more American service men or women to risk their lives for his corrupt government; and I am a little bit stunned, quite frankly, by the quick and inexplicable pivot by the administration from rightly denouncing Karzai's behavior to now embracing him as our dear friend. I think our support for Karzai actually discredits us with the Afghan people. We have seen that it is exceedingly difficult to train Afghan troops, many of whom are not only illiterate, but unable to add or subtract.

The cost of this escalation will be enormous, both in terms of blood and treasure. We will need to borrow billions and billions of additional dollars to pay for this policy.

Madam Speaker, at a time of great economic crisis here in the United States, I would suggest that rather than nation-building in Afghanistan, we should do a little more nation-building here at home.

It is important to note that the so-called timeline outlined by the President last night envisions the beginning of drawing down our troops in July of 2011—the beginning, not the end. Does anybody really believe that we will not be deeply ensnared in Afghanistan well beyond 2011?

Madam Speaker, I do not and I never will suggest that we abandon the Afghan people. They have suffered greatly over the last several decades. We must continue to support meaningful economic development and political assistance.

But finally, Madam Speaker, there is another important issue here, and that is congressional involvement. I know the President last night cited the resolution to authorize force in 2001 as pro-

viding the authority that he needs. I would argue that it was not Congress' intent in 2001 to authorize decades of nation-building in Afghanistan. We voted to go after the people who committed the horrible atrocities on September 11. I would urge that before a single additional troop is sent, that the United States Congress have the chance to fully debate his proposal and have an up-or-down vote.

Under the Bush administration, what usually happened is that additional troops were deployed and then later, once they were already in theater, the administration would submit a supplemental request. That is backwards. We should debate and vote on this critical issue before we send additional troops.

□ 1800

And, Madam Speaker, this is a big deal. This is a major escalation and Congress has a major role to play. I would urge my colleagues on both sides of the aisle to continue to ask the tough questions and to continue to play our constitutional role.

#### CLIMATEGATE

The SPEAKER pro tempore (Mr. GARAMENDI). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, over the past several weeks, evidence has come to light of fraud and corruption in the global warming scientific community. Or, as it is now called, the climate change community.

These shady scientists have made claims of a global warming apocalypse and created fear in the world that we are all doomed because man is the enemy destroyer of planet Earth.

But now thousands of their emails were recently leaked to the public. These emails, written by scientists at the British University of East Anglia exposed fraud and corruption in their global warming claims. Now Climategate is being exposed. These snake oil salesmen have been caught in their lies to the world. These are the very scientists who formed the foundation for world global warming claims. American politicians, the United Nations, everyone claiming that the world is headed toward this global warming catastrophe based their views on this information.

In these emails, these scientists conspired to destroy their own email discussion of data that contradicts their global warming claims. They discussed discrediting members of the scientific community who disagree with them. They even wish some of these dissenting scientists were beaten. Now isn't that lovely when you have an opposition.

Phil Jones, the director of the climate research unit at the University of East Anglia in England wrote in his now-leaked emails of thwarting access to the data by those who doubt global warming. He talked about getting

around British Freedom of Information requests. He didn't want other scientists to get his data because they could expose flaws and faults in his global warming claims.

But the bread and butter of these global warming claims comes from what these scientists say is "consensus" within the scientific community. Now we learn there is not a consensus about global climate change. The emails show numerous actions taken to silence the dissenting voices and withhold the actual information being used to make their questionable claims.

The British university says they are going to release all of their data now, but the scientists have already admitted that they destroyed much of that data. Obviously, they destroyed the data that shows their theory on climate change is a ruse. It is a fraud on the world. That doesn't look like sound science to me. It sounds like they have cooked the books. It sounds like they have picked out an outcome and are trying to fix the data to make it say what they want it to say. It sounds like a political agenda.

World economies depend on these claims that have clearly been manipulated. The U.N. global warming summit in Copenhagen that starts next Monday, December 7, is using this tainted information. The United Nations wants to exert more control over world energy and emissions, and the sovereignty of nations using information that is apparently now faulty. It is tainted with scandal, and it is deceitful.

How can the American people trust any of these claims when they have clearly been manipulated? Well, the American public can be fooled no longer by these pseudo scientists. One may ask why would these scientists skew the facts? Well, it is obvious. Governments all over the world give climate change individuals in the climate change crowd millions of dollars of money to study climate change. And if manmade climate change is a falsehood, these scientists may fear that their money will dry up.

The jury is still out on the global warming theory and the climate change myth. Before Congress passes any legislation based on this theory regarding manmade climate change, we ought to have an open, honest debate from real scientists who didn't manipulate the evidence to get an outcome-based conclusion. Further, the EPA should halt all carbon emission regulations of the energy community until we learn the facts about climate change. Honesty is a prerequisite for conclusions about climate change legislation. And now we learn that climate change is not a well settled scientific fact at all, whether the mad scientists at the University of Anglia like that fact or not.

And that's just the way it is.



## HIV/AIDS PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday on World AIDS Day, the administration announced its proposed 5-year strategy for the President's Emergency Plan for AIDS Relief, otherwise known as PEPFAR. The strategy is required by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008. That is a mighty long name, but it does so much good. And it begins to shift PEPFAR from an emergency program to one focused on sustainability.

Mr. Speaker, the challenges in fighting HIV/AIDS are daunting, but not insurmountable. Over 33 million people worldwide are infected, an estimated 67 percent of whom live in Sub-Saharan Africa. Nearly 2.7 million people, including 430,000 children, were newly diagnosed with HIV last year. Over 14 million children have lost one or both parents to HIV/AIDS. AIDS is decimating an entire generation of the most productive members of society in developing countries, which will cause GDP to drop by more than 20 percent in the hardest-hit countries over the next decade.

Without effective prevention, treatment, and care efforts, the AIDS pandemic will continue to spread its mix of death, poverty, and despondency that is destabilizing governments and societies and undermining the security of entire regions.

But one need not travel to Africa or the Caribbean or Eastern Europe to witness the devastation of HIV/AIDS; we need only to look out the front door. In my home State of Florida, Mr. Speaker, an estimated 90,000 people are living with HIV/AIDS, making us third in the Nation in the number of AIDS cases.

My home county of Miami-Dade ranks second among large metropolitan areas for people living with AIDS with over 32,000 currently diagnosed. These individuals need our assistance. They are fighting this disease.

On October 21 of this year, with a bipartisan majority, we voted in Congress to reauthorize the Ryan White HIV/AIDS Treatment Extension Act. The Ryan White program has been the largest supplier of services for those living with HIV/AIDS in the United States. In the United States, over 500,000 people a year benefit from the Ryan White program. Florida alone received over \$209 million in funding with Ryan White funds in 2009, and has been able to assist countless low-income Americans living with HIV/AIDS.

Fully appreciative of the challenges here at home, I am proud to have supported PEPFAR since its inception. To date, it has proven to be a highly effective and results-oriented program. For example, more than half of the 4 million people receiving lifesaving drugs

in low- and middle-income countries around the world are directly supported through PEPFAR. PEPFAR has supported care for more than 10 million people affected by HIV/AIDS, including more than 10 million orphans and vulnerable children. At least 240,000 babies have been born free of HIV/AIDS thanks to PEPFAR prevention of mother-to-child transmissions.

The achievements of our bilateral programs are truly remarkable. However, the record of our multilateral organizations is problematic. While we need more robust burden sharing—particularly as the World Health Organization has revised its guidelines and vastly expanded the pool of people who require access to treatment—significant revelations of corruption in the global fund programs are cause for great concern.

Mr. Speaker, we must work together to ensure accountability, transparency, and maximum effectiveness of multilateral programs that are receiving United States support. We must work to ensure that every dime that is dedicated to PEPFAR, including our contributions to the global fund, is used for its intended purposes and delivered in the most effective, transparent, and sustainable manner possible. We must ensure that those precious resources actually reach those who are in need, without being diverted to line the pockets of unaccountable international bureaucrats or corrupt regimes.

Lastly, Mr. Speaker, we must also preserve the conscience clause and promote behavior modification, particularly abstinence and fidelity, under the new strategy.

In closing, let us recommit ourselves to saving the future by helping to save lives inflicted with HIV/AIDS.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## AMERICAN TROOPS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, after the tragedy of 9/11, I voted for the resolution that authorized military action against those who attacked us, including sending our troops into Afghanistan. We sent a strong, unified message that we will never yield to terrorism. We have not just the right but the duty to keep America secure. I certainly agreed with taking out Osama bin Laden. It is outrageous that the Bush-Cheney-Rumsfeld administration failed to stop him, unnecessarily prolonged this conflict, strengthened our enemies as their attention and our resources

were diverted to an ideologically driven invasion of Iraq.

Surely all Americans should respond affirmatively to President Obama's call last night for unity of purpose in keeping our families secure and overcoming all of those who would do us harm. I agree with so very much of what President Obama said, but not so much with what and how he said he would accomplish our shared goal.

It is true he had no really good and easy alternatives, and I applaud his deliberative effort. But the path to peace and security will not be found through a wider war. It is wholly unrealistic to expect that we can escalate our military forces in the harsh, faraway landscape of Afghanistan by another 40 percent, then deescalate and begin bringing them home all within a mere 18 months.

We have been fighting in Afghanistan on the installment plan. A few more troops, a few more months, and a whole lot more money—billions. There is no way that 2011 will mark the end of this war or even the beginning of the end. This is just a mirage. In 18 months the reasons may vary, but the next installment will be requested in what is already a deteriorating war that has lasted 8 years with the illusive end of the war always just over the horizon.

The better exit strategy is to have fewer troops who need to exit. We should honor the sacrifice of those who are courageously serving and put fewer of them into harm's way. It should not take 100,000 highly equipped and trained American troops to defeat less than 100 al Qaeda in Afghanistan, an estimate yesterday from the President's National Security Adviser.

Once again, we hear talk of a grand coalition, but make no mistake, it is Americans who are being asked to bear the overwhelming share of the burden. As these troops would arrive in Afghanistan, the Canadians, the Dutch, they have already announced they will be bringing their troops home at the same time our people get there.

□ 1815

The French and the Germans have said not one more troop. Spain may increase its total to 1,200. Iceland has two, Luxembourg has nine. Every bit of help counts certainly, but it's clear that the great amount of blood that will be spilt will, once again, be American, and the cost will be to the American taxpayer.

Now, United States Army doctrine, as written by General Petraeus, calls for one counterinsurgent for every 50 members of the population. In Afghanistan, with a population of 30 million, that would work out to about half a million additional troops, not 30,000. Whatever the exact number is, it is clear that to meet the military's own objectives, more installments are in order. All this effort to prop up a corrupt Karzai government that just stole over 1 million votes to keep itself in power as it attempts to control a fraction of the country of Afghanistan.

My fellow Americans, we must chart a better course. Congress has a constitutional responsibility to scrutinize this request carefully as well as how to pay for it, to find a better way to achieve our shared goals of protecting every American family. To do otherwise will leave us embroiled in an Afghanistan that can consume, as it has throughout human history, as many lives and as many dollars as we are willing to expend there. And such a painful, unending sacrifice may well make our families less, not more, secure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE QUAGMIRE OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Certainly, in the last 24 hours, we've had a lot of discussion about Afghanistan and whether or not we should send more troops. As a matter of fact, that debate has been going on for a long time. The whole debate about Afghanistan is something that makes me think that we are bogged down, considering the fact that it has been going on for 8 years.

This is not new for us. This is more or less the rule rather than the exception, and I believe this comes about because of the way we go to war. In the last 60-some years, we have never had a declaration of war, but we have been involved in plenty. We've been involved in Korea, Vietnam, the Persian Gulf, and the Iraq War, and now Afghanistan, and it looks like it's going to be Pakistan as well.

So I think the reason we get here is because we don't declare war and we slip into war, and then it becomes political. There are two sides. There is one side of the argument that says, Let's just come home. And the other side says, Fight it all out. And people say, No, you can't be an extremist on this. You have to have a balance. And the balance is chaotic. There's no way of measuring victory, and nobody wants to give up, claiming it would be humiliating to give up.

But just think of the tragedy of Vietnam, all those years and all those deaths and all that money spent. Eventually we left, and South Vietnam is now a unified country, but we still have troops in Korea, in Europe, and in Japan. And we are bankrupt. So some day we are going to have to wake up and look at the type of foreign policy that the Founders advised us to have, and that is nonintervention: don't get involved in the internal affairs of other nations, have free and open trade and

accept friendship with other countries who offer it, and that we shouldn't be the policemen of the world and we shouldn't be telling other people what to do. We cannot be the policemen of the world and pay for all those bills because we are literally bankrupt.

In thinking about the dilemma that we have, I think back, even back in the 1960s when I was an Air Force flight surgeon for 5 years, and that was the first time I heard the term "quagmire." And thinking about that for many, many years, that's all I can think about right now is to evaluate what we have. There are a few phrases that have been around for a long time, and I believe they more or less describe what is happening here. Quagmire. Certainly that is what we are doing. We are digging a hole for ourselves. "Perpetual war for perpetual peace." We have all heard that term, and it sounds like we are in perpetual war. "War is the health of the state." We all know the government size and sacrifice of civil liberties always occurs much more so in the midst of a war.

A book was written many years ago by one of the most, if not the most decorated soldier we ever had, Smedley Butler. He wrote a book called "War is a Racket." And I have come to this belief that war literally is a racket for the people who push these wars, whether it's the military industrial complex or the special interests and the various factions, but it's never, it's never for the people.

Today it is said that we're over there to protect our national security to go into Afghanistan. Well, it's down to 100 al Qaeda in Afghanistan, and, quite frankly, the Afghan Government had nothing to do—they said they harbored the al Qaeda, and that is true, but do you think those 19 guys needed to do pushups in Afghanistan to come over here and do what they did? The real planning wasn't in Afghanistan. It was in Spain. It was in Germany. Where was the real training? The real training was in Florida. The training was in Florida, and the FBI had evidence at the time that they were being trained, and it's totally ignored. And yet we are concentrating, we are still back to 9/11, fear of nuclear war. We have to go in, scare the people.

Yet what is the motivation for individuals to become radical against us, whether it's in the Taliban or al Qaeda? There is one single factor that is the most influential in motivating somebody to commit suicide terrorism against anybody or us, and that is occupation by a foreign nation. And now, where have we occupied? We have occupied Iraq and Afghanistan. We are bombing Pakistan. But not only the literal occupation, but also, we have this threat on Pakistan.

So I would say it's time for us to reassess ourselves and look at a non-interventionist foreign policy.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### RECOGNIZING THE GENEROSITY OF ROSS PEROT'S GIFT TO THE U.S. ARMY COMMAND AND GENERAL STAFF COLLEGE FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening in the House of Representatives to recognize a remarkable gift that will enhance the professional education of our country's military officers and thereby improve the safety and security of every American.

In November, Mr. Ross Perot of Texas pledged \$6.1 million to support two new initiatives at the U.S. Army Command and General Staff College located at Fort Leavenworth, Kansas. At a time when our country is demanding so much from those in uniform, this significant contribution will ensure that America's military leaders receive the best education and training to accomplish their missions around the world.

Mr. Perot's contribution followed a recent visit to Fort Leavenworth. He experienced firsthand the classroom instruction that U.S. officers and their interagency and international counterparts receive at the Army's Command and General Staff College, our country's oldest and largest military staff college. He also met with students and toured the Lewis and Clark Center, an impressive new building completed in 2007 to house the college.

Mr. Perot's gift will fund a new center for interagency cooperation and a new chair of ethics. As the conflicts in Iraq and Afghanistan make clear, cooperation between military and other agencies is an important component for our country's success. To address this need, the Col. Arthur D. Simons Center for Study of Interagency Cooperation will enhance the cooperation of interagency affairs. The second initiative to be created, the Gen. Hugh Shelton Chair in Ethics, will attract world-class academics and researchers to stress the importance of ethics and values in the military.

You may notice that rather than naming these new programs after himself, Mr. Perot chose to name them after others. Col. Arthur "Bull" Simons led the 1970 Son Tay raid to free prisoners of war in Vietnam, as well as a 1979 mission to rescue, from a prison in Tehran, two of Mr. Perot's employees. Retired Army Gen. Hugh Shelton served as Chairman of the Joint Chiefs of Staff and is a friend of Mr. Perot's. Mr. Perot selflessly named his initiatives after military members who have played an important role in his life and

defended our country's honor. This gesture is a testament to Ross Perot's character and patriotism.

I commend Mr. Perot for his generous and continued support for our Armed Forces. I also want to commend retired Colonel Bob Ulin, who, as CEO of the Command and General Staff College Foundation, was instrumental in securing this tremendous pledge and growing the foundation generally. Since its inception in 2005 as a not-for-profit to support the college, the foundation has offered many programs and activities to promote excellence, including awards for students and faculty, support for conferences and lectures, and community outreach activities.

For 128 years, the Command and General Staff College at Fort Leavenworth, Kansas, has served as the "intellectual heart of the Army," producing numerous world and military leaders. The next Marshall, Eisenhower, or Petraeus may very well be sitting in a classroom in Leavenworth, Kansas, today.

We are grateful to Ross Perot, an American patriot, for his support of our men and women who protect and defend our Nation by their service in the United States military, and we are grateful for Fort Leavenworth, Kansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SMALL BUSINESS IS AMERICA'S ECONOMIC ENGINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, the economic engine that pulls along the economic train of prosperity in America is being derailed. America's entrepreneurs, America's small business men and women are this country's economic engine. They are the backbone of our economy. They create most of the new jobs here in America.

Mr. Speaker, they have waited long enough for the so-called stimulus to

kick in. In fact, they have been waiting far too long. Mr. Speaker, where are the jobs? It's time for us to scrap this failed policy. It's time for Congress to stop wasting taxpayer time and money. It's time to give a real jolt to the economy and stop taking so much through high taxes and more debt.

Mr. Speaker, I introduced H.R. 4100, the JOBS Act, to do just that. My bill, the Jumpstarting Our Business Sector, or JOBS Act, is a commonsense and simple approach. It provides a 2-year moratorium on capital gains and dividends taxes, two taxes which directly inhibit or derail a business' ability to reinvest their revenue into creating new jobs. It reduces the two lowest tax brackets by 5 percent. It cuts the payroll tax rate and the self-employment tax rate in half for 2 years. Additionally, it reduces the corporate tax rate by 10 percent for 2 years.

In fact, the United States already has the second highest corporate tax rate in the world. It's incredible that our economy has prospered for this long under such an extraordinary tax burden.

At this time of great economic turmoil, it's only logical to curtail this massive tax and allow our business sector to propel us back onto a stable economic footing.

Finally, just as important, my JOBS Act recoups any and all unspent stimulus dollars, putting them to work instead of towards waste.

Now is the time for a new way forward. For 11 months, the so-called stimulus has been tried and tested. Unfortunately, it has failed. But there is no reason to keep going down the same track and throwing taxpayers' money down a rat hole towards a failed plan. And there is certainly no reason to keep sending money into Georgia's imaginary congressional districts, double zero, 27, 86, or any others that the government has identified.

The American people demand something better than more government and more debt. They deserve more, something better than more unemployment insurance and COBRA extensions. We need to stop handing them dead fish and, instead, hand them a fishing pole.

□ 1830

Mr. Speaker, I've introduced H.R. 4100, the JOBS Act, to answer their call. And I urge my colleagues to lend their support by cosponsoring this important legislation and keeping that economic engine of small business on the right track to economic prosperity.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### JOB CREATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, this evening our topic is going to be something that is of interest, I believe, to all Americans, the topic of jobs. In the past we've talked something about health care. In fact, we've talked about that for a number of months. But it seemed appropriate to me this evening to open our discussion on the subject of jobs. Everybody in America is concerned about the subject. It is one of those things that affects everyone. And something that is not as clear, and the solution to the jobs question is not as simple as it might appear on the surface. And certainly, we have some examples of politicians doing exactly the wrong thing. So I think it's important that we start and just analyze what it is that makes jobs and what are the enemies of job creation. I have listed about six of them here that are the most common things that are destructive to jobs.

The first would be a bad economy. That seems fairly self-evident. If the economy is not doing well, the thing that people tend to do is to say, well, things aren't going so well; I need to cut my overhead, and, therefore, we will cut some jobs. And so that is one thing that affects jobs is a slow or poor economy.

Another thing that's extremely disastrous and very much basically stops the creation of jobs and maybe even gets rid of existing jobs is taxation. That also is fairly self-evident. Let's just think for a minute. You're an owner of a small business and you have 100 people working for you. All of a sudden, you find out, you read in the paper, here we go, the politicians, one more time are going to be taxing and spending. They're going to increase your taxes and increase the taxes to your business. Well, that has the same net effect as a bad economy because if all of a sudden you're expecting a big tax increase that your company is going to have to pay or you're going to have to pay because you own the company, you're thinking, oh my goodness, I don't have as much money to work with as I thought I did. I'm going to have to figure out ways to tighten the belt. And when you tighten the belt, many times that means you get rid of either existing jobs by laying people off, or perhaps you were thinking of creating new jobs and you decide, I think I'll wait on that expansion and buying that new piece of equipment and adding the addition to the building and in adding those new jobs. And so tax increases are also enemies of jobs.

A third problem that can also affect jobs, and that is what sometimes people call liquidity; that is, the available supply of money. If you're a small businessman, one of the things that you need in order to keep your business going is some source of loans or money to work with. Most small businesses

have loans from local banks, and they get those loans at a reasonable interest rate because many small businesses are very good and prompt payers. The bank trusts them. The bank knows that the small business is solvent, that they run a good operation, that they're doing good work in the community, so the bank is taking that risk and is loaning that money at a fairly reasonable rate of interest, so the small businessman has this money or this liquidity in order to start paying for things that he needs in his business.

Just to give an example, perhaps, of a farmer. A farmer has a nice piece of land and he decides he wants to raise some crops. But in order to do that, he needs a tractor. He doesn't have enough money to buy that tractor right off the bat with cash, and so he gets a loan from the bank to buy the tractor, and then he uses the tractor to grow crops and to produce a product which we call food. In the meantime, as he makes profit on selling his food, he makes payments to the bank to pay for his tractor. It's a simple example, but what is required for jobs and for small businesses to operate is liquidity. There has to be a supply of money that's available at a reasonable interest rate in order to facilitate the growth of businesses, particularly small businesses, and jobs. If there is not good liquidity, not a good source of money, then you're going to have a problem with jobs.

A fourth enemy of job creation is uncertainty. Again, put yourself in the shoes of that small businessman. You look out on the horizon and you see all kinds of things that you don't know what's going on, and you're worried about what's going on. You know as you look out at the horizon that there's talk that these taxes that used to be low are going to go up. There's talk about taxes on energy, talk about taxes, heavy taxes, on a new health care bill. There's the possibility of energy shortages; there's the possibility of anything that might be disruptive to your business. Well, that uncertainty is going to have the effect of saying, hey, before I stick my neck out and do something new, I think I'm going to just instead sit back a little bit and wait, because I don't want to be too far leveraged. I don't want to make too much of a commitment because I don't know what's going to happen. Everybody is buying ammunition and hoarding gold, and everybody's nervous and concerned. There's talk about this, that and the other. So when you get uncertain, uncertainty makes it hard for business people to want to add jobs, and it may reduce jobs. Businesses work well when they have a plan. They know that they're going to have so many orders for so many years, they know that they're going to build, they can plan out, buy their materials, get the equipment they need and get the manpower. And so, when you want to mess up job creation and business, all you do is introduce a lot of fear and un-

certainty and you're guaranteed to be hurting jobs.

A fifth thing that is going to be harmful to job creation is a whole lot of regulations and red tape. If you're thinking about taking on some new project or something, and you see just mountains of red tape, regulations, and all kinds of legal fees and problems in front of you that the government has created, then you're going to be a little bit more reluctant to jump into that project. I'll give you an example. For instance, let's say you're a power company and you have a number of coal-fired power plants. You take a look at what's going on, and you take a look at the technology that's available and you say, you know, I think that it would really make a lot of sense to build a nuclear plant because coal prices are going up. We know that nuclear is safe. We know it doesn't generate any CO<sub>2</sub>, so that should make people that are very worried about global warming happy, and we think that it makes sense to put a nuclear power plant. But then you start to think and say, Wait a minute. What are the regulations? What are the red tape? And how does this work? And you start looking at the red tape and you find out, oh my goodness, we apply for a license, and after we get done building the plant, which is going to cost millions and millions of dollars, then the government will tell us whether or not we can operate it. Wait a minute. That doesn't make sense. Doesn't the government give you a permit to operate the plant first, then you put the millions in and run the plant because you got the permit? No, you've got to get a permit to begin with, but you don't ever get any for sure that you can run that plant until after you've built it. Well, that would be an example of red tape and regulations making it so, hey, I'm not going to make that decision, I'm not going to do the job of building some big plant and a more efficient way to generate electricity because of the fact that we've got all this red tape and regulations in the way.

And then I would suggest that there is a sixth thing that's a job killer, and that is the excessive spending on the part of the Federal Government. When the Federal Government spends a whole lot of money, it has the net effect of eventually costing businesses and the taxpayers all the money that they spent and all. And so that the idea of doing what's sometimes called stimulus or spending actually is an enemy to jobs. We're going to get into that a little bit further along this evening. But I thought it would be important to start by defining our terms. Jobs are important for all of us. That's what you need to pay your mortgage. That's what you need to pay the food bill for your wife and kids. Jobs are an important thing in America, and Americans are a lot happier when they've got something to work on anyway, a good project or some work to do and they have a sense of paying off the mortgage

and working their way toward the dream of a more prosperous future. And so these are the enemies of jobs. I'm going to review them one more time.

First of all, a slow economy. Second of all, taxes. The third thing is not enough liquidity. That is money. Fourth, uncertainty or fear. Fifth, red tape and government regulations. And sixth, the idea of excessive Federal spending, because that comes back in the form of taxes and reducing liquidity.

I am joined this evening by a very good friend of mine, Congressman SCALISE, who has a very good sense of business and a good sense of humor and is always a great contributor to our little Wednesday evening discussions.

My good friend from Louisiana, please join us.

Mr. SCALISE. I want to thank my friend from Missouri. We have been having these discussions for I guess the past few Wednesdays for a few months now. I appreciate the gentleman for hosting this hour that's become a regular tradition, not only to talk about the things that are happening in the country, but really to focus in on the actions that have been taken here in this Congress by this Democratic leadership that have actually led us to the decline in jobs that we're facing today.

Of course, so many Americans remember now back in the beginning of this year when President Obama stood right there, right there on that well behind you, and talked about the need for a stimulus bill, a bill that spent \$787 billion of money that we don't have, money that was borrowed from our children and grandchildren, and he said it had to happen so that we would stop unemployment from exceeding 8 percent.

Now, of course today, as we look at 10.2 percent unemployment, the American people are asking, Where are the jobs? And, of course, when the White House came out with this Web site, and the White House and the President bragged about the transparency, and, in fact, the President talked about the fact that the American people would be able to track every dollar, and even said that Vice President JOE BIDEN would be in charge of tracking the money, and the American people would be able to go to a Web site and see where that money from that stimulus bill is being spent and how it's creating all these jobs. Of course you and I opposed that bill because we knew it wouldn't create jobs. In fact, we knew it would help actually lead to more unemployment because it would add so much more money to our national debt, money that we couldn't afford to spend, and money that was going to hurt small businesses and in fact did hurt small businesses.

Mr. AKIN. If I could reclaim my time, I think that the points that you're making are very, very good. I just want to recap what you're saying. I had, just as we got started, talked

about things that kill jobs. And one of the things that kills jobs is excessive government spending. The first thing that you came to, ironically, was this supposedly stimulus bill which the President and the Democrat leadership thought was going to improve the economy, or at least they said that. That was what they claimed. In fact, the claim was, as you and I recall, that if we did not pass this \$787 billion unfunded supposedly stimulus bill, we might get unemployment as high as 8 percent. We've seen unemployment go well beyond 8 percent. They passed that stimulus bill, and now unemployment is 10.2 percent. So that suggests just what we're talking about, that excessive government spending is, instead of making the situation better, will make it worse. But we were promised, as you were saying, by the administration, by the Democrat President, that this was going to create some jobs; and so they created a whole Web site, didn't they?

Mr. SCALISE. Well, in fact, they created a Web site called *recovery.gov*, and this is where the President said people could go and find out and track every dollar that's being spent, and it's going to be fully transparent. I guess maybe the White House didn't think that people were actually going to take him up on his offer. But of course the American people did. As people started going to that Web site, we had uncovered this about 2 weeks ago. When you would go to the Web site, we found out, first of all those of us in Louisiana found out that we had about 45 congressional districts because they actually had a listing of how many jobs were created in Louisiana's 45th Congressional District. And, of course, they showed that more jobs were created from the stimulus bill in Louisiana's Eighth Congressional District than in the district I represent, the First Congressional District. The only problem with that is Louisiana only has seven congressional districts. And so many people in Louisiana were not only asking, where are the jobs, but where is this Eighth Congressional District?

Mr. AKIN. I just want to stop you because what you're saying, people are going to think that this is either a comedy or a fiction.

□ 1845

You're saying that we put millions of Federal dollars into creating a Web site to let people know where the jobs were being created by this supposedly stimulus bill, and whoever it was that was hired said that the jobs are going into an Eighth and a Ninth and a Tenth Congressional District in Louisiana, and you, being from Louisiana, know there's only seven districts. So you're saying the Federal Government hasn't figured out how many congressional districts there are in Louisiana. That's amazing.

Mr. SCALISE. Not only that—and maybe this would be a comedy if it was

fiction. The problem is, this is not fiction. This is reality. This is what the White House actually had on their Web site that was supposedly showing the transparency and accountability for all the tax dollars that they said that they would display how that money was being used. And so we had actually inquired about this and our local newspaper, the *Times Picayune* of New Orleans, did a little digging of their own and called the White House and said, How is it that you can have this Web site and you're showing districts that don't even exist, showing jobs created in places that don't exist? What is really going on here?

The first thing the White House said is, We're not certifying the accuracy of the information. That was the quote from the White House. The group that said they would be the most transparent administration in history, when finally tasked with showing the American people where billions of dollars of money that we don't have is being spent, their answer was, We're not certifying the accuracy of the information.

And then, if I can follow up, they actually went further and they said, Okay, wait. Hold on a second. Okay, let's say you're not certifying the information, but you're actually showing on your Web site districts—and this just isn't in Louisiana. We found this in Arizona and Kentucky. Probably Missouri.

Mr. AKIN. I heard Oklahoma had 99 districts.

Mr. SCALISE. They were showing districts that didn't exist all across the country, and they were bragging about the jobs that were created in those districts that didn't exist, those phantom districts. So they said, Well, how is it that you can show on your Web site a district that doesn't even exist? The answer from the White House—and that is riveting, because this is taxpayer money, this is money our children and grandchildren are going to have to pay back, money that you and I said should not have even been spent in the first place because it was money we don't have, and it wasn't going to create jobs—and they asked the White House to follow up, and they said, How is it that you can show information that's false on your Web site? The White House's answer was, Who knows, man, who really knows. That was the best they could come up with, and the American people deserve better.

Mr. AKIN. This is a million-dollar Web site created by the White House, the Obama administration. They come up with districts that don't exist in various States. And when asked—what was the quote again? This is brilliant. This is really academic. Who knows, man, who really knows. Hey, far out, dude. I mean, Woodstock lives.

What are we talking about here? They're talking about districts that don't exist, claiming that jobs have been created; and yet here we are on the floor, we're not necessarily wiz-

ards, but we know enough about small business that excessive Federal spending is an enemy to it. And so what is it that the Obama administration promised? I happen to have the promise. Instead of all these jobs and, Who knows man, who really knows, here's who really knows. This is what the forecast was going to be for the unemployment if we passed the stimulus bill, which we did. This was the Obama forecast without the stimulus bill. And what really happened?

Well, the red line is what's going on. This is unemployment after we spent \$787 billion that we don't have, which really wasn't a stimulus bill. As you recall, the chief of staff for the President said, We want to use every crisis as a good opportunity to move our agenda. So their agenda in the supposedly stimulus bill was to basically get rid of all the Republican welfare reforms and add all kinds of money in all kinds of various bailouts and things, but there really wasn't even an FDR-type stimulus in this bill.

And we stood here on this floor—I think you were with me, what was it, 6 months ago—we said, This isn't going to create any jobs. Now here we are at 10.2 percent unemployment, and that number is conservative because if you've lost your job for more than a year, you're not even on the report any more, even though you may be doing a little part-time work or don't have a job at all. It doesn't count you. And even not counting those people, 10.2 percent unemployment. And so what's happened here is just exactly what we talked about.

I'd yield.

Mr. SCALISE. Some of the economic experts are actually saying that the true unemployment number right now is probably closer to 17 percent because there's so many Americans that just stopped looking for work because of the tough economic times. And so what we had pointed out back then in February, 10 months ago when they first brought this stimulus bill, we pointed out that you don't create jobs by growing the size of government. You don't create jobs by borrowing money from our children and grandchildren. You create jobs by helping small businesses enjoy a climate where they can actually go and create jobs. Because it's not government that creates jobs, it's small businesses out there.

The small businesses create about 70 percent of all the jobs in this country. They are our job creators. And what they've been saying and what American families have been saying is: Government, stop all of these policies that are literally shutting down companies and running jobs off to countries like China and India.

And so what we've had this year, we have seen this cap-and-trade energy tax. That's been one of their answers that literally would run millions of American jobs out of this country to other countries. Then they came back with—of course, they had the bailouts

and then they had the stimulus bill and then they had the budget that doubled the national debt in 5 years.

And then after cap-and-trade they came with the health care bill, the government takeover of health care, which they're still putting as their top priority. Of course, President Obama is using that as his top priority when the American people are saying, We don't want a government takeover of health care; we want you to reform things that are broken. And we've presented legislation to actually fix the problems—to lower costs, to address pre-existing conditions—the real problems American families are having with health care. But what American families don't want to see is the government take over all of health care and literally shift the hundred million more people onto a Medicare system that's already struggling to make ends meet. And senior citizens know that.

So what they're asking is: stop dealing with all of these policies that are actually running more jobs out of our country. Go and help create jobs in small businesses by lowering tax rates. And guess what's going to happen here on the House floor tomorrow? The Democrat leadership is actually bringing a bill to make permanent the death tax at a 45 percent tax rate. That's going to kill small businesses in this country. And that's their priority instead of creating jobs.

Mr. AKIN. If I could just ask you to yield back, everything you said is exactly spot on, and it is the solution to trying to deal with unemployment. But I think what I'd like to, if it's possible, just for a minute, get a little philosophical here and talk about the fact that when you take a look at the political parties, in general these are two different ideas about what you do when you've got problems with unemployment.

One of them was proposed by a little British economist by the name of Lord Keynes. He was accompanied in his mischief with a fellow by the name of Morgenthau, who was FDR's Secretary of the Treasury. That idea was called "stimulating the economy." The idea was that if the government will just spend enough money, it's going to create demand, and therefore the whole economy will run. It appeals to me as an engineer about just as much as the idea of reaching down, grabbing your bootstraps, and try to lift yourself so you can fly around the room. But the idea is that when you've got a bad economy, the government should spend money like mad and it'll "stimulate the economy." And so that was one theory.

Another theory that was developed—and that usually is the Democrat theory, although not entirely—the other theory is: get your foot off the spending and the taxing, leave enough money in the company and, particularly with small business owners, to allow them to invest. When they invest, they create jobs and you allow

the free market and you allow Americans, in the ingenuity of Americans and freedom, to motivate and to build a country bigger and stronger than it was before. And by doing that the economy gets stronger because individual citizens, not the government, are the ones that create the jobs.

And so that was another formula that was tried by, among others, by JFK. Also by Ronald Reagan and G.W. Bush. All got off the taxes, left more money in the pocket of the small businessman, and voila, the economy takes off like a rocket in all three instances.

The other example, I want to run back to it. You've got this guy Morgenthau and here it is 1939. Now we have turned a recession into the Great Depression. And Morgenthau comes before the Ways and Means Committee. This is something that happened long enough that people around here should know something about it. This was the buddy of little Lord Keynes. And this is what he says: we have tried spending money. We're spending more than we have ever spent before—and it does not work. And he goes on to say, After 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot. This is FDR's guy that was one of the original stimulus people.

So when I hear people say stimulus—this is the result of stimulus: it's unemployment. It turns a recession into a Great Depression. So what did we try in April or May of this last spring? We tried the same dumb idea. And guess what? We're getting the same lousy results. No big surprise.

So there are two ways to approach unemployment when you've got a problem in the economy. And the idea of spending a whole lot of money that you don't have, like \$787 billion, it never worked for him. And all of these nice predictions that we saw show that it just hasn't worked the way the administration said that's where we're going to be.

Here's where we are. You see the trend of that line? That's not exactly a hopeful trend.

I'd yield to my friend.

Mr. SCALISE. I thank my friend from Missouri for pointing that out. And when you go back to those comments by Henry Morgenthau, the Treasury Secretary for FDR, the comments that he made in 1939, there's an old saying: history repeats itself. And the unfortunate part of that is we're standing at a very critical point in our Nation's history. We're at one of those crossroads. And are we actually going to be here in Congress and try to perpetuate the great legacy of America, and that is that every generation has inherited a better Nation than the one that was passed down to them by the previous generation.

And that's a great tradition our country has always enjoyed. And that tradition is at risk right now. It's at risk because of the spending and the borrowing that's being perpetuated by

the liberals that are running Congress right now.

When you show that comment from FDR, it's very telling because when this administration came in, President Obama made a point everywhere he went, and he still talks about it today, saying he inherited the worst economy since the Great Depression. Well, first of all, if you go back and look at the Great Depression and the signs there, they were much worse than the signs he inherited. The signs he inherited weren't as bad as what Jimmy Carter created that ultimately led us to Ronald Reagan. When Jimmy Carter was President we had double-digit unemployment, we had double-digit interest rates, and double-digit inflation. In fact, they created a new term for it called "stagflation."

When President Obama came into office, we were less than 8 percent unemployment. So it was single digit. It was still a high number, but it was a single-digit number. We had very low inflation and very low interest rates. Right now, because of President Obama's policies, these policies like cap-and-trade, like the spending and the stimulus bill and the health care government takeover, they have led us now to double-digit unemployment; but what we're starting to see are the telltale signs also of creeping up interest rates and inflation because of the policies of President Obama.

So when he talks about this being the worst economy since the Great Depression, I think what he was trying to do was set up an event so that he knew his policies probably would create double-digit unemployment and double-digit inflation and double-digit interest rates, because history does repeat itself. So he tried to set the stage that he was walking into something worse than what he walked into, but he's created an economy that virtually is leading us back to the 1930s, when we did have the Great Depression, and it's because of his policies that are spending, taxing, and borrowing our country into oblivion.

I yield back.

Mr. AKIN. Just reclaiming my time, the fact is that history does not have to repeat itself. It repeats itself if people make the same dumb mistakes over and over again. That's when it repeats itself. What we're doing here is we're doing the same things over and over again that have not worked in the past. But it doesn't have to be that way.

I really thank my friend, Congressman SCALISE, for his perspective and for joining us. I'm also joined here on the floor by my good friend, Mr. THOMPSON of Pennsylvania. I'd like to yield time to the gentleman.

Mr. THOMPSON of Pennsylvania. I thank my good friend for yielding and for also taking the leadership on this very important debate. I think of all the things that are going on across this Nation—and there are no shortage of issues—the issue that cuts directly to the heart, the economic well-being of



our citizens, are jobs. We know that we are in dire straits with jobs in this country, the first time in decades the unemployment rate has gone over double digits, at 10.2 percent.

□ 1900

Now looking back, I see my good friend has a chart there that talks about the stimulus and talks about the percentage of unemployed. I remember vividly sitting in this Chamber where we were talking about—and it was a mandate that we had to do something because unemployment was at 8 percent, and if we did nothing, perhaps it would go over 8.5 percent. What was done and what the Democratic Party did was to just spend, and I think misspend.

I believed in my heart back then that it was not the right thing to do, that, frankly, it would make matters worse, that it would drive up unemployment, because as people would lose confidence, those entrepreneurs, those people that are small business people, those folks who were willing to take that risk and work long days—sometimes without taking a salary themselves to create prosperity—weren't going to have the confidence to be able to do that.

Usually I like being right. But unfortunately, I'm sad to say that we were correct, that I was correct, when unemployment went to 10.2 percent.

Mr. AKIN. Just reclaiming my time, gentleman, you were here on the floor with me when we were talking about this very thing. It wasn't so many months ago. It isn't that we are great wizards of economics. It's just that we've learned something from history. The fact is that the method and the approach of "stimulating the economy" or, effectively, tremendous levels of government spending and money that they don't have, does not help an economy that's ailing, and it's not going to help unemployment. We were here at this 8 percent unemployment, and we were told that, Hey, if you don't get this stimulus bill through, why, it's going to go above 8 percent. We passed the stimulus bill, and here we are at 10.2 percent. But that's not a coincidence.

Now of course the Obama administration would love to try to blame that on President Bush and everything. But what he has unfortunately not done is learned from—even if he didn't want to learn from a Republican, he could learn from a Democrat. He could go back to JFK. JFK was faced with this problem. He had a problem with unemployment. And what did he do? He did something that was not intuitive to Democrats. He actually lowered taxes. He did a tax reduction just the same way Ronald Reagan did.

And the effect of that tax reduction was to allow the small businessman to have more money to invest in their business. And guess what happens? When small businessmen have the liquidity and they have more money to

invest in their business, they add a wing on the building, they add a new machine, a new process, a new invention, a new idea. And freedom works. What happens is, you create jobs, and the economy takes off.

Now here are some numbers that—to my good friend, Congressman THOMPSON from Pennsylvania, you weren't here at the time. But when I came in at the beginning of 2001, people don't realize—just because the Federal Government doesn't like to balance their budget—they don't like to realize how much these recessions and a bad economy hurts the Federal Government in terms of taxation, in terms of revenue.

And what was going on was, you know, the liberals were crying and moaning about how much money we spent on tax reduction, and Oh, we're giving the rich guys a deal, and you're reducing taxes, and that's going to cost the Federal Government all its revenue, because they calculated that if you lower taxes, then you're going to collect less revenue. That was the logic. It seems intuitive when you just look at it superficially. But what you found was—and this was an interesting number—as we reduce taxes, the businessmen, the owners of small businesses, then created more jobs because they had money to spend. They created more jobs, and the economy turns around. What happens is, we take in more revenue than we had before.

But let's just say that, even in the most pessimistic sense, what surprised me was this: If you added the cost of—supposedly the cost of the Bush tax cuts, and you added the cost of the wars in Iraq and Afghanistan together, that total dollar value was less than what we had lost by the recession and what the recession had cost the Federal Government in revenue. You see this, gentleman, in Pennsylvania—and we do in Missouri, all the other States around the Union, particularly that have balanced budget amendments—and that is, when the recession comes, boy, the States are hurting. They have to really scramble because their revenues drop dramatically when we enter a recession. But that's also true of the Federal Government. Our revenues drop tremendously.

So this formula of excessive government spending is the exact wrong thing to do. And what it does is, it turns a recession into a depression. That's why these charts are going the way they are. This should be a warning sign that what we should not be doing is a whole lot more taxing on small business, yet it seems that every time you turn around, here comes another tax. We've got to hit somebody, so why not tax?

Let's take a look at just one other thing, and this will be something I would like to get your impression on because Pennsylvania is a good industrial State. You've got a lot of jobs, a lot of good hardworking people there. It's kind of a theoretical question. But does the government really create jobs? You know, on the surface, it

seems like if the government takes the money and hires somebody to build a building or something, it seems like they have created a job, because somebody's got to build the building, and they took some money, and they paid somebody, and the somebody did something.

So can the government really create jobs? What we find is that you've got to be careful. I just wanted you to talk about that a little bit, if you would like to, gentleman.

Mr. THOMPSON of Pennsylvania. I would, and I appreciate that opportunity. The government cannot create jobs. Unemployment is now 10.2 percent. I would admit that I'm sure within that, even despite the bad unemployment, there are jobs that are temporarily subsidized by the Federal Government, even some of the projects that I originally thought would be good stimulus infrastructure projects. Well, those are not sustainable jobs. Those jobs are only there as long as the government is subsidizing them. As soon as that subsidy goes away, as soon as the stimulus money is spent, those folks are laid off.

A job, as I define it, is a good family-sustaining job that is there, that grows, that not only grows but that is working in a business, mostly small businesses is my experience, that is creating other new jobs. So this really has been fiscally irresponsible in terms of the spending that has gone on. It hasn't gone on for the right reasons. I think you and I are both supporters of a better plan. Now this is going back to when we were debating the stimulus originally, and the Republican alternative we had recognized that the true economic engine of this country is small businesses.

Mr. AKIN. Right.

Mr. THOMPSON of Pennsylvania. And we had proposals that were put on the table to ask for a vote that would provide tax deductions of up to 20 percent for small businesses, benefits that went to businesses with 500 employees or less, which effectively employ a large majority of Americans throughout this Nation. They are economic engines that create prosperity, create new jobs and not jobs that will go away when government subsidies stop. These are jobs that are sustainable because they are based on real economics. They are employing people that are hardworking Americans, and most of these are small businesses owned by individuals who are willing to make the sacrifices, take the risks to go after that.

Now as I travel around my district right now, I've talked with a number of people that I consider my heroes in terms of small businessmen and -women, people who have started with nothing, but they're willing to work hard to take that risk, and they had that American dream.

Mr. AKIN. Put everything on the line.

Mr. THOMPSON of Pennsylvania. Absolutely. And year after year, these

folks have been the ones that have gone out, and they've created new jobs every year by taking what they've invested, the return on their investment, and put it back into their small business. They reinvest there.

And you know what, I can't believe how many of them I'm talking with right now that are sitting on the sidelines because they're afraid of what's been going on in this country since January. They're afraid of the deficit spending they've seen. They're afraid of the regulations we've seen. These are small businessmen that—most of them pay their taxes as a limited liability corporation or an S corporation. So they pay their taxes on their businesses through their personal income tax. These are the folks that my friends on the Democratic side of the aisle have been piling on in terms of new taxes, more taxes, claiming these are the rich, and they can afford to pay more taxes. Well, actually what these are are the job creators, and when we pile on them, it forces them to sit on the sidelines.

Mr. AKIN. Just reclaiming my time, what you're talking about is the old proverb of killing the goose that lays a golden egg. Here is the thing that's a little bit tricky, because if you think about it, the government goes to hire somebody to build a highway. You say, Well, that's a good job. Somebody is building a highway. Well, it's true that for some period of time—and you put the emphasis on temporary—that job is there as long as we are taxing somebody to get the money in order to hire that guy. The way that economics works is that for every job, by taking taxpayers' money and creating a job with the government, what we do is we kill 2.2 jobs in the private sector.

So effectively, what you're doing is a very inefficient means of bleeding part of the sector that creates the real jobs and creating temporarily a government job. My son is in Afghanistan. We have places where the Federal Government hires people. They're legitimate jobs that need to be done, but all of those things are balanced on the back of the private sector. If you get too greedy and you start to squeeze the private sector enough, not only do you make it sick, you can kill it. And that's what was done during the Great Depression. They started taxing those small businesses so much and put so many regulations on them that they killed them, and they went out of business.

And that's what's starting to happen, and that's what frightens me terribly about the approach that we've got here. As I started this evening, I talked about what are the things that destroy jobs, and you just intuitively—you are talking about the people of Pennsylvania and about the businesspeople, you know, those courageous, quiet souls that go out and take the risks, not knowing whether they're going to end up sleeping under a park bench if their business goes out. They've put their whole life into it. They've in-

vested in a new piece of equipment. And in the process, they create wealth and create jobs and stuff, those people.

Well, what do we do if you really want to hurt them? Well, what we do is everything we've been doing for the last year. First of all, it's this out-of-control Federal spending on all kinds of wasteful things. For instance, that stimulus bill had billions of dollars for community organizers like ACORN. We had money in that bill to produce that Web site that created congressional districts that don't even exist, claiming the jobs were created. That's a waste of money. The next thing, as you properly pointed out, is that you start taxing people, not only for the stimulus bill, but you tax them on energy.

So now this guy that's got a business, perhaps he uses a fair amount of energy, thinks, uh-oh, I'm going to have taxes on energy now. Then the issue that you properly pointed out is that you start creating this sense of fear and uncertainty. So now you've got red tape and more taxes and more taxes. The guy thinks, How in the world am I going to make a living with that? That's what's being done not just in Missouri and Pennsylvania, but it's being done to our economy because we're doing the wrong things. And it's not so complicated because other Presidents have shown the right way to go.

Let's just take a look at what we're doing, just hammering them fiscally. You started to list them off. First of all, there's the death tax, and there's dividends and capital gains. Those are taxes that were cut by Bush back in 2001 and '03 in order to get those small businessmen up and going. So those have been cut temporarily, and now that's going to expire, and what have the Democrats told us? I yield.

Mr. THOMPSON of Pennsylvania. I think this week, tomorrow we're going to be voting on the estate tax here.

Mr. AKIN. You mean the death tax.

Mr. THOMPSON of Pennsylvania. The death tax.

Mr. AKIN. Death is a taxable event, is the way they want it to be.

Mr. THOMPSON of Pennsylvania. It's not only a taxable event, but it's double taxation because all the money the government will be taxing has already been taxed at one time or another.

Mr. AKIN. So we'll get them coming and get them going. If they're dead, they don't complain as much.

Mr. THOMPSON of Pennsylvania. I think that's an excellent point, but that still doesn't make it right, and it's just absolutely wrong. I think the rate that we're looking at was 45 percent.

Mr. AKIN. Okay. So let's just run this logic. How logical is this if you want a decent economy? A guy is a farmer. Let's say he's got 200 acres of ground, maybe it's 2,000 acres of ground, and some tractors, and he dies. Now his son wanted to run the farm. So now when he dies, what does the son have to do?

Mr. THOMPSON of Pennsylvania. He's got to sell part of the farm because there is certainly no large fortune in farming sitting back there in liquid assets to be able to pay the death tax.

Mr. AKIN. So he has got to pay 45 percent of the value of the farm. If he's got 2,000 acres and a couple of tractors or whatever it is, he will have to sell almost half of that. Then it will get to the point where the farm is no longer selling half of what it makes it so that it doesn't really work. So what happens then?

Mr. THOMPSON of Pennsylvania. Well, I can't imagine. And today farming is such a challenge. We just had a hearing earlier today with one of the Agriculture subcommittees on the impact of the climate change on farmers. I was relating the plight of the average dairy farmer in my district. Dairy farming is a big industry. It's certainly an important industry to our Nation. Farms range in sizes, but the average size of a farm in my district is about 80 head of cow, 80 to 85. They tend to have enough acreage just to grow their own corn, to grow their own feed. Beyond that, that's the operation they run. And today on a dairy farm—and this is a Nationwide statistic—because of the problems we have with the pricing of milk, the fact that the Federal Government got involved in that decades ago, the average farmer loses \$100 per cow per month.

Obviously, when, unfortunately, a dairy farmer passes away, there is no reserve sitting there to pay off the death tax. What are you going to sell from a dairy farm to pay that tax? Are you going to sell the cows? Well, you're not going to be a dairy farmer. Are you going to sell off the acreage? You're not going to be a dairy farmer. Are you going to sell the barn? You can't do that. You need the tractor. I think that just represents the plight of our farmers with that type of tax. There is nowhere to go.

Mr. AKIN. Reclaiming my time, it's interesting you mention that. I have a nephew that worked on a dairy farm in upper New York State. What you mentioned, 80 cow. The number I recall then was about 90 cows, 90 to 100 cows. It's kind of the standard lot size. It's about how much one man can kind of operate with his family.

So if you all of a sudden have to sell half of that, even if you could—say you could sell half the cows, half the farm, half the equipment, the problem is that half of it doesn't work. It no longer works. So if with every generation, you've got to cut the business in half, and give half to the Federal Government, how in the world are we going to have jobs and a strong economy? It's just nuts.

□ 1915

So, first off, we've got the death tax. We've got dividends capital gains. All of those are expiring and going back, which is going to have the exact opposite effect on the economy as what it

had a couple years ago when we put it in place and it helped the economy get going.

Then on top of that, we've just spent \$787 billion on that silly stimulus bill, \$700 billion for the Wall Street bailout. And now we're talking about the biggest tax increase in the history of the country for global warming, an energy tax, along with tons of redtape that goes along with it, telling everybody in the country they've got to have an electrical outlet in their garage for their golf cart or whatever it is.

I mean, this is an awful lot of redtape, regulations, and taxes, all with the effect it's going to just kill those jobs. So there's a reason why that red line is going up, isn't there?

Mr. THOMPSON of Pennsylvania. If the gentleman would yield.

Mr. AKIN. I yield.

Mr. THOMPSON of Pennsylvania. Certainly, we cannot forget the taxes from the health care bill.

Mr. AKIN. Of course that's a couple of additional taxes on top of the small business men.

Mr. THOMPSON of Pennsylvania. Over \$700 billion in taxes, much of that balanced on the backs of small businesses.

Mr. AKIN. So you're telling the small business man now we're going to tell you what kind of health insurance your employees need and you're going to have to pay for it, and if you don't do that, we're going to fine you and we're still going to tax you for it. And on top of that, that isn't quite enough to take out of your hide, we're also going to put an additional 5-something percent tax on top of any profits that you make in your business. So for sure you won't be able to invest that money back into your business because we're going to get that, too.

So on top of all of this, the redtape, the uncertainty, the lousy economy, tax after tax after tax, now we're going to hit them and tell them, by the way, any employee you've got, you're going to have to pay for their health care and we're going to tax you heavily for that. What's that going to make a small business man do?

I yield.

Mr. THOMPSON of Pennsylvania. That's a great point.

There was a headline in The Wall Street Journal just yesterday that said "Job Cuts Loom as Stimulus Fades," and I think that speaks to the original point that we've made that the stimulus is unsuccessful. It has failed.

I know the President is having a jobs summit tomorrow. I'm hoping, actually praying, that when he does that, that better minds prevail and he hears from people attending that summit the types of things that we've been talking about. And we have been talking about this since January because we know we've had this issue. We have been talking about things such as cutting taxes for small businesses, of reducing the burdens that we put on those job creators. I mean, those are the types of

things that we should be doing in terms of economic stimulus. And I know that our friends, the Democratic colleagues, are going to be looking at a stimulus two here, and my concern, my big fear is it's going to another special interest, big spending bill that really isn't about creating jobs, but it will be in the name of jobs.

Mr. AKIN. Reclaiming my time, I appreciated your optimism. The President has declared that he's going to have a meeting to get together and talk about the economy and everything, but I happen to know something about the invitation list. I don't know who was invited, but I have a pretty good idea.

I know who was not invited. The U.S. Chamber of Commerce. They represent businesses and small business. They weren't invited. The National Federation of Independent Business. These are all over. I assume you have them in Pennsylvania.

Mr. THOMPSON of Pennsylvania. Oh, yes.

Mr. AKIN. I have them in Missouri. These are coalitions of lots and lots of small businesses. You think they were invited? No, they're not invited. Who is invited? All the people who got money under the first stimulus bill.

So, first of all, the whole idea of the stimulus bill is wrong economics. You're not going to get the economy going by spending more money. If getting the economy going by spending money were how you did it, holy smokes, our economy would be red hot and on fire. We've been spending money like there's no tomorrow. And the economy is not doing so well. Look at that unemployment line. Spending money is not the solution. Yet the idea of more stimulus, more stimulus, it's just nuts.

Who was it, Einstein, that said if you keep doing the same thing and expect a different result, it's insanity? We're getting close.

I yield.

Mr. THOMPSON of Pennsylvania. There's a two-part penalty to this. One is that we're spending all this money, but this is not even money that we have. This is deficit spending. This is spending that we have to reach out to creditors and to take out loans. And who is our number one creditor? Who's the number one entity that's lending us money? It's China. So it's not just spending; it's deficit spending.

The last time I remember a situation like this specifically was back at the tail end of the President Carter years, and my wife and I were young. We had just married. We were looking to purchase that first home. And we weren't making a whole lot of money, but it looked like, actually, as we looked around, that real estate wasn't particularly very expensive, and the reason for that was because of the inflation and stagflation that was going on at that point in time. So we actually applied for a first-time homeowner's loan from the State, and we thought we were in

the money. We got that, and our interest rate was 14 percent.

Mr. AKIN. Fourteen percent.

Mr. THOMPSON of Pennsylvania. Fourteen percent. But that was a great interest rate, because at that point, the banks commercially were lending at 19 and 20 percent. But it was because of where we were in terms of high inflation and high unemployment, stagflation.

Mr. AKIN. Of course, the inflation is created by the Federal Government basically dumping more and more money into the money supply.

Mr. THOMPSON of Pennsylvania. Absolutely.

Mr. AKIN. I was just looking at a chart from 1960 up through this year, and you go along and it looks like a little saw tooth. It's running along. It's called M1, or the money supply, and last year we had a 10-times' increase in the government's release of that liquidity. Now, so far it hasn't turned into inflation yet, but every time that people have done that in the past, sooner or later it comes around to bite you as inflation.

We were just talking about spending. Here's kind of a chart of it. Here's the Wall Street bailout part two, and here's the stimulus bill, and then there's the SCHIP and then there's the appropriations bill. There's another bill. And then there are the other two that have not been passed yet, the cap-and-tax and the health care. To estimate that as a trillion is being generous.

I think it's helpful to compare a couple of things that are similar. As you recall, the Democrats were critical that Bush spent too much money. In fact, I was here some of those years. I voted against some things that the administration wanted because I thought it was too expensive. But let's take President Bush's biggest spending year. His biggest deficit was in 2008. That's when the Democrats ran the House here. That was about \$450 billion or so, and that was 2008. If you took the \$450 billion as a percent of our gross domestic product, that was about 3.3 percent.

This year they just calculated the numbers, and the spending is \$1.4 trillion. That's three times more spending in the first year than President Bush's was in his worst year out of 8 years. Three times more. And it puts the level of debt that we have created not at 3.3 percent of GDP but at 9.9. So we've more than tripled that ratio. It's the highest it's been since World War II because of this, because we just can't seem to say no to spending. And that's not the formula to help with the jobs problem.

I yield.

Mr. THOMPSON of Pennsylvania. It's almost like our Democratic colleagues look at it as a candy store and that there's no end to it. It's an endless supply. And I suspect that at some point where—I know that we're probably coming up on the debt ceiling in terms of the amount of debt that we're able

and allowed by law, by statute, to accumulate as a country. And I don't know that exact total, but I believe it's somewhere around \$14 trillion, and the fact is that we are fast approaching that just after this past year.

I came here in January. Frankly, I think both parties were fiscally irresponsible in years past. I would be the first to admit that in terms of my party. And that's one of the reasons I was motivated to come, because if we were running a household, we would not be fiscally irresponsible. We'd live within our means. And the Federal Government has not done that under the leadership of either party in years past and certainly this year with my Democratic colleagues in control.

The fact is that this is not a candy store, and in terms of raising that debt ceiling, I think that's just providing a license for more and more deficit spending going forward into the future. And I would encourage all of my colleagues that we need to be bringing that debt down. We need to be working towards being debt free. That is fiscal responsibility. That is running this House the way we run our houses at home, and that is something that we need to restore. We have not had that for a very long time in this country, but I think that is something that we need to be committed to.

Mr. AKIN. You're absolutely right.

The reason that we're getting off the wrong track here is just because of this whole liberal Democrat concept of economics. They're trying to make two plus two equal five. They're trying to basically repeal the law of economics.

If you and I in our household, if we thought, oh, we're getting tight on money, we're starting to have economic hard times in our family, so let's go out and just run up a huge credit card bill and that will somehow make it better, people would lock us up. They'd put us in little white suits and lock us away somewhere and say these people are crazy.

Mr. THOMPSON of Pennsylvania. And we did that. Unfortunately, that does happen in our Nation, and what happens is people experience bankruptcy. They ruin their lives by doing that.

Mr. AKIN. Right. Except in this case, when the Federal Government does it, we bankrupt the entire Nation.

Mr. THOMPSON of Pennsylvania. Correct.

Mr. AKIN. And one of the effects of the bankruptcy is unemployment, among other things, but it also is impoverishing everybody.

You cannot repeal the basic laws of supply and demand, and you cannot basically give away housing where people can't afford to pay for it without expecting to have consequences. Kind of going back to the beginning of things, that's what got us into this trouble not so many years ago.

Here's something I think a lot of people aren't aware of but we need to understand, how did we get into this

problem? It was because of this idea that somehow we think that we are able to repeal the laws of economics.

This is September 11. It's not 2001. This is September 11, 2003. It's an article in *The New York Times*, not exactly a conservative source of information. And here is the author of the article, and it says: "The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago."

Let's get this straight. This is *The New York Times*. This is bad President Bush's saying that we need to have a significant regulatory overhaul in housing finance and the strongest thing since the savings and loan crisis.

"Under the plan disclosed at a congressional hearing today, a new agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac, the government-sponsored companies that are the two largest in the mortgage lending industry."

So this is 2003, Bush sees irregularities in Freddie and Fannie in how they're managing the business. Why would there be irregularities? Because they were mandated and allowed to make loans to people who couldn't afford to pay the loans.

What's the Democrat response to what President Bush wanted to do? Well, what happened was he passed a bill in the House to do this. I was here. We voted for this bill. It went to the Senate. It was killed by the Democrats in the Senate.

What was the Democrat response in the House to Bush's saying we've got to get on this Freddie-Fannie problem or we're going to have an economic crisis on our hands? Well, with respect to Fannie and Freddie, I did not want the same kind of focus on safety and soundness that we have in—

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. AKIN. Thank you, gentlemen, for joining me. It seems like the time has flown, and I look forward to our next evening.

□ 1930

### THIRTY-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, we're happy again to kick off another edition of the 30-Something Working Group in which we will try to bring some facts and some analysis to the floor of the House of Representatives.

I can't help but get up after having to sit through what our friends on the other side were talking about a little bit. And it's interesting, Mr. Speaker, as we see some of our Republican friends have a very short memory as to

what transpired here. And I have been fortunate enough to be here over the last 7 years and was able to watch President Bush with the Republican-controlled House, a Republican-controlled Senate, a Republican Supreme Court, many State legislatures and the State Governors' Mansions were controlled by the Republicans. In Ohio, I know that of course was the fact. Run up huge budget deficits, start wars, cut taxes for the top 1 percent, take their eye off Wall Street, ignore health care, continue to support and subsidize the oil economy, push globalization, not enforce our trade laws—all with a rubber stamp from the Republican Congress.

And then all of a sudden in 2008, 2009 the bottom falls out. Wall Street collapses. We see the stock market collapse, credit locks up. On and on and on. And our friends on the other side act like that just happened by happenstance.

And now, in order to try to address those issues, we have to make some very difficult decisions as a country and come together as a country. And we get people ignoring the previous 8 years, when anybody who is being realistic can see how we got here.

And all we want to do now is have a conversation about how we move forward and how we use this and see this as an opportunity to address some of the major structural changes that we have in the United States of America. And there are two major ones in our economy that have been like an albatross around the necks of small business people all over our country and big businesses all over our country, and that is health care and that is energy.

And so this Congress has stepped up to bat to address two of those major problems without a lick of help from the Republicans, not a lick of help. And at the end of the day, they're going to be on the wrong side of history, like they were for Social Security and Medicare and civil rights and a lot of the other major issues that really gave us things to be proud of in this country.

And so as we move forward with the House bill on health care—and now the Senate is opening up debate and having debate on the health care bill—we are trying to address the concerns of the American people.

And I want everyone, Mr. Speaker, to understand the issues that we have taken up here as a Democratic Congress. And this is all with the understanding that we know that the unemployment rate is too high, there are too many people out of work. There is a lot more work to be done.

But if you look at the previous 8 years prior to President Obama, you will see an administration that completely catered to Wall Street and Big Business in the United States of America, whether it was a trade agreement, whether it was immigration laws, whether it was health care, whether it was energy. You could bet your bottom

dollar that President Bush was on the side of Big Insurance, Big Pharmaceutical, Big Oil, Big Agricultural, right down the line.

And when we came in as Democrats, we began to change that. And all you have to do—and they say you can judge someone by their enemies—the Democratic Party took on the Big Oil interests. The Democratic Party is taking on the insurance industry. The Democratic Party is the one party getting the banks out of the student loan business. And all of these sweetheart deals that were set over the last 8 years are on their way out the door. And President Obama got stuck with a heck of a mess, there is no question. A heck of a mess.

But in America, we have to live in reality. I know some people on the other side may not necessarily agree with that or like that, which is fine. But we are the majority party, and we have to deal with reality without illusions and deal with the facts that are at hand.

And here are the facts: if we do absolutely nothing with health care, the average family of four next year will have an \$1,800 increase, \$1,800. And then the following year it will be another \$1,800, and the following year it will be another \$1,800. That's reality. Everyone is agreeing on that.

If we do nothing, human beings, American citizens in this country, will continue to get denied coverage by insurance companies because they have a preexisting condition. That preexisting could be you were involved in a domestic violence situation; that preexisting condition could be infertility, or as we even heard, spousal infertility. You're denied. Diabetes. Cancer. That's if we do nothing. If we do nothing, just in my congressional district in northeast Ohio we will have 1,700 families go bankrupt next year because of health care costs—if we do nothing. And on and on and on right down the line. An inhumane, costly, expensive, inefficient health care system.

And so we chose to take on the big fight. We chose to make a human decision to say this problem needs to be fixed, it needs to be addressed, and we know it's politically risky but we know we're going to do it because there are too many people in the country, Mr. Speaker, who need us to act and not sit on the sidelines where it is safe.

It would have been nice, we could have just said, You know what? We're going to play it safe. We're not going to do anything that's going to upset anybody or get FOX News riled up or Rush Limbaugh or Clear Channel, the right wing talk radios. We're just going to play it safe. But at the end of the day, history would not be very good to us because they would have said, What did they do in Washington, D.C., when this decision, these hard decisions needed to be made 10 years ago?

And our kids and our grandkids would say, Jeez, Mom. Jeez, Dad, you were in Congress during the very difficult time. We needed some big deci-

sions to be made. What did you do when you were there? And you can look proudly at your kids and say to them, I did nothing. I played it safe. I sat on my hands because I wanted to get re-elected or I was afraid that Rush Limbaugh would make fun of me.

The reforms that are coming out of this House of Representatives—as I have said when I am back home in Youngstown, Ohio; in Niles, Ohio; in Warren, Ohio; in Ravenna; in Kent and Portage County; Akron—these reforms are for our people, our people who have struggled and fought and got zero wage increases over the last 30 years, who've got to haggle with the insurance company, get denied, get ignored while they're on their death bed, lose their job, lose their pension. That is wrong, Mr. Speaker. Wrong. And we're going to do something about it.

So let's just take what happens when health care reform passes. There will be some time until the exchange gets set up and, you know, whether there's a public option and what it looks like. That may take a couple of years. But immediately what happens is that no longer in America will you get denied coverage because of a preexisting condition. Never again. If you have a child, a son or daughter, who is under the age of 27 years old, they can stay on your health care insurance. So all of those young people in their early and mid-20s who can't get health insurance or can't afford health insurance can stay on their parents' health insurance. That gets implemented immediately.

If you have a health care catastrophe in your family—and being a Member of Congress, we get these calls, and we are out in the public and we meet these people at the fairs, at the festivals, at the bowling alley, at the bingo halls, at the civic events—there will be a cap on how much you can pay out of pocket per year on health care costs so that we can eliminate people in the United States of America going bankrupt because they had a health care catastrophe. And all of our friends on the other side of the aisle who talk about family values and everything else voted against that. Voted against it.

So when you look at the health care reform bill, it is a values issue. It is a family values issue that we need to address. And our budgets and our investments speak to that, speak to our values and what we care about and what we stand for.

And when you look at it, AARP's endorsed it, the American Medical Association's endorsed it, the Catholic Bishops had nothing but good things to say about it. And even the Business Roundtable, the top CEOs in the country, said that the health care reform bill in 2019 will save them \$3,000 an employee, \$3,000.

Now, you can argue with me, you can argue and call people "liberal" and "socialist" and pull out all of the names that our friends on the other side have been using for the last 60 or 70 years in their rebuttals to policy ini-

tiatives by the Democratic Party, but you can't argue with the Business Roundtable saying that it's going to save them \$3,000 per employee.

And aren't we tired of getting calls from small business people telling us about all of the increases, all of the rate increases? And I just got a call the other day from a health care provider talking about this issue and another from a health care business person who said he just got in the mail a 50 percent increase for his business. He had one person out of a couple hundred get sick. Pushed the number up. Next thing you know, he goes from paying \$600,000 a year to next year he is going to have to pay a million dollars a year. And he said, TIMMY, I may have to shut the doors. I may have to shut the doors. That's what we're trying to prevent.

How can we have any sustained long-term economic growth if we don't take care of the health care issue in this country? If we keep strangling our small business people? And I understand that there may be some small business people that maybe disagree with any extension of the role of government in any area. But there is nothing left to control the massive insurance industry in the United States of America unless we do what the people have always done when we needed to address a big problem in this country, and that is join together through our elected officials who we send to Washington to help us.

□ 1945

We need to ask them to get together and solve this problem, and that is what is happening. And we see the insurance industry and the extreme right wing of the Republican Party, the neoconservatives, continue to be offended. Nobody here wants to hurt anybody. Nobody here wants to destroy America. We are here to help, and we are here to address these problems collectively as a country.

We have people on the other side of the aisle, because Rush Limbaugh says they shouldn't, they won't even work with us. Getting rid of preexisting conditions, letting people be on their parents' insurance until they are 27, limiting how much out-of-pocket you can spend, making sure that they can't knock you off the rolls after you have insurance coverage, these are some basic things that we should all be able to agree upon. Mr. Speaker, we are doing it.

And the same issue happens with energy, to where we send in this country \$750 billion a year in wealth out of our country through the gas stations that go to oil-producing countries: a \$750 billion wealth transfer right out of our country. And a couple of years ago, Mr. Speaker, we spent about \$115 billion out of the Defense Department escorting ExxonMobil and Big Oil ships in and out of the Persian Gulf. So if you do the math, the Persian Gulf oil that ends up in your gas tank should really

be \$1.50 more because of the subsidies that the American taxpayer has paid to provide the security of these ships going in and out of the Persian Gulf. Now in addition to that, subsidies for oil companies, tax credits and tax cuts to go and continue to drill, so completely subsidizing Big Oil and the oil economy.

And what Democrats have said is, how do we put together an energy policy that will take some of the \$750 billion and instead of letting it go offshore and out of our country, how do we direct it back into the United States, and at the same time reduce CO<sub>2</sub> and at the same time resuscitate manufacturing in the United States of America through our windmills, through our solar panels, using natural gas that is here in the United States.

We don't have the kind of oil that some of these other countries do. And why do we prop up these dictators and these royal families who have no concern for our well-being, when we can use the need for energy and make it work for us and put together a system and a national policy that is pro-American.

There is not a bigger, more patriotic piece of legislation in the United States of America's House of Representatives right now than the energy bill that passed this House. What kind of national security plan is it for us to continue to send money that goes to these kingdoms that fund terrorist organizations that don't like us when we could be putting steel workers to work making the 400 tons of steel that go in the windmills or resuscitate manufacturing in the United States of America by making sure that our people manufacture the 8,000 component parts that go into a windmill. To me that makes a good deal of sense.

And both of these issues in the long term are jobs programs. Does anybody have a better idea, Mr. Speaker, on how to stimulate manufacturing in the United States? I can't think of one. We have tried to cut taxes on the top 1 percent and hope something trickles down, and that means they will invest back in America and will create jobs in the United States. That didn't work. It did not work. The Republicans had the House, the Senate, the White House. They implemented the whole George Bush economic policy, and it didn't work. And here we are today.

I know our friends like to be critical of the stimulus bill, but in January we lost 750,000 jobs. Now we are still losing a couple hundred thousand jobs a month, but it is not quite as bad. We are trending in the right direction, and we do need to put together a jobs program. We do need to invest in the transportation and put thousands and thousands of people to work. We need to do that. We need to make those investments. There is no question about it. And we need to get back to a moderate, balanced, prudent, wise, economic policy and tax policy here in the United States.

The old Keynesian economic theory that asked some of the wealthiest people in our country to pay a little more in the good times, cut taxes in the bad times and increase social spending to stimulate the economy and smooth out these rough edges, worked for a long time in this country. It led to the construction of a great middle class, balanced investments in education and transportation and roads and bridges. It is time for us to get back to that.

In the Mahoning Valley in the 17th Congressional District, we are putting together what is a very smart, balanced, economic policy locally where we are making the proper investments and laying the proper groundwork. What we are trying to do locally is to line up with where the national policy and the national trends are going. You had to be sleeping if you can't tell that the world is moving towards green technology, green energy. The hedge funds, the big money people are all moving in that direction. The scientists, the engineers, all moving in that direction. All of the research moving in that direction.

And so there is health care reform and what that will do for our local community, and there is energy. And so we have been fairly fortunate amidst all of the economic problems and the high unemployment, that we are seeing back home seeds that are beginning to sprout, and that once credit loosens up, we will see long-term economic growth.

But we need our national policies, Mr. Speaker, to shape us as a country and push our economy in the right direction. The big decisions that are being made here through the Obama administration are sound. I think we are making some smart long-term decisions, and it will pay off in the long run.

We see it in sports all of the time where you can start a game or start rebuilding your program, whether it is college football or basketball or the NBA or whatever the case may be, where you see a great coach start to implement the plan and you don't necessarily start winning all of the games right away. You saw it with Bill Walsh in San Francisco, and you see it with the Patriots and the Steelers. It doesn't always start off with the Super Bowl. And for the Browns, Mr. Speaker, it has been a rough road, but we are going to get past it. It has been a difficult time to have been a Cleveland Browns fan. But the bottom line here is we are in a rebuilding process. We are laying the groundwork. We are making the fundamental decisions necessary to allow for long-term economic growth.

When you look at health care and 30 million more people that are going to have health insurance, we are going to need docs, we are going to need nurses. There is going to be a total reinvigoration of health care information technology.

Just, for example, I was at the National College a few days ago in

Youngstown, Ohio. They have programs primarily in health, health information technology and some business entrepreneur classes. The college opened up with 50 people. It now has 850 kids from Youngstown and Campbell and Struthers and Warren going to this school to learn health information technology.

Now here we have people, young and middle-aged, looking at where the economy is going and what they need to be doing. And so the huge investment in health information technology in the stimulus bill, the investment that we will be making in health care by making sure that everybody is covered and coordinating all of these different systems, is going to be an opportunity for many of these young kids who are doing what we asked them to do: Go to school and get educated and do the right thing, and you will be rewarded.

And so in 10 years, Mr. Speaker, in 2019, 2020, we will look back on these decisions that have been made in this Congress and we will see that we have eliminated a lot of human suffering because of what we have done with the health care system. We will see that we have reined in costs for the insurance companies, and that has allowed small businesses to reinvest back into their own companies and give pay increases to their workers as opposed to covering all of the health care increases. We will see people who believe that a compassionate government can exist to advocate on their behalf.

A lot of people say, I am afraid of the government. It is not the government you need to be afraid of; it is the big insurance company you need to be afraid of. It is the Big Oil companies you need to be afraid of. And we are taking them on. Ten years from now, it is going to be looked back upon as one of the turning points in our Nation's history, like Medicare and like civil rights, and like a lot of the great programs that have been established to help our people. Average Americans are getting represented in this government.

We will look back on our energy policies, and we will see that we have reduced our dependency on foreign oil. We have given people hope. We have reestablished America as an innovative leader in the world, and it will help with health care reform and lift up the middle class because we need to start making things again in the United States. We need to start making things again. And with windmills and wind turbines, these are things we can't ship in from China. We have to make them here. We are, and it is going to put middle class people back to work. So those two major issues are going to unleash the creativity needed, the American spirit needed, the American independence needed.

I am proud of what is happening here. I am proud of what is happening in the United States. I know it is difficult. I know it is tough. I know it is noisy,



Mr. Speaker, but these things are happening for us in the United States. When it is all said and done and that parent goes to get health insurance, or some young person goes to get health insurance, and they call the insurance company, and they have diabetes or cancer, the insurance company cannot deny them.

□ 2000

Their parents are going to say, Did you know there was a day 5 years ago where you would have gotten denied coverage? And 20 or 30 years from now, our kids will say, You've got to be kidding me. That really happened in America? And we look back on the civil rights movement today. Our generation says, You've got to be kidding me. White people and black people weren't allowed to drink out of the same water fountain?

That's how we're going to look back. Did we really, as a country, do that? And it is shameful that that happened in this country. Those are the same exact feelings and sentiments that we are going to have here in the United States years from now. And we will say, Did we really deny people health care? We really had people die because they couldn't afford health care when the treatment was available and the technology was available? We really let that happen?

This is a turning point in our country's history, and I'm proud to be a part of it.

#### HONORING THE GENEROSITY AND COMMUNITY SERVICE OF JERRY LONG

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to praise the generosity and community work of my friend, Jerry Long. Today, Jerry is being honored for his generous philanthropy back in North Carolina as the West Forsyth Family YMCA officially changes its name to the Jerry Long Family YMCA.

This honor comes to Jerry thanks to his tireless work as a community leader. He is someone who understands that making a positive difference in your community and helping your neighbors can start with the hard work and dedication of just one person.

His example of serving his community is inspiring, and this renaming is a much deserved honor. Congratulations to Jerry and his family, and thank you for your many years of giving back to Forsyth County and the communities there.

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I'm privileged and honored to be recognized

to address you here on the floor of the House of Representatives, and I appreciate the opportunity to, I think, help enlighten you and the Members that are listening in and anyone who might be observing this process that we have in the House of Representatives.

In this great deliberative body, there is a limited amount of time that we can debate here on the floor. And as things churn through, sometimes we don't come back and revisit subject matter, but I think it's necessary to establish the perspective that fits into the broader picture.

The perspective that I intend to address tonight is the perspective of immigration, and that debate has gone on in this country for a number of years. It was brought up by Pat Buchanan as a candidate for President back in the 1990s. He said he would hold congressional hearings on immigration if he were elected President of the United States. He did a lot to help galvanize this immigration debate and bring the issues that are important to this country to the forefront. And since that time, people like Tom Tancredo, and probably before that time, actually, came to this floor and raised the issue of immigration and the rule of law over and over again.

Eventually, the American people began to look at the circumstances of millions of people that are in the United States illegally, their impact on this economy, this society, and this culture.

As intense as this debate got in 2006 and 2007, it got so intense, Mr. Speaker, that as the Senate began to move on a comprehensive amnesty bill that was bipartisan in its nature, however weak it was in its rationale, it had the support of the President of the United States at that time, George W. Bush, and it had the support of leaders of the Democrat and the Republican Party in the United States Senate, as well as here in the House of Representatives, Mr. Speaker. And yet the American people rejected the idea of amnesty in any form, whether it be comprehensive amnesty that was proposed and then the nuances that they tried to bring through or whether it would just be blanket amnesty.

Well, here we are again, Mr. Speaker. Here we are again with a transformational issue that is slowly being brought forward before the American people, and I'm here to say, let's pay attention. My red flag is up, and I have watched the transition of issues that have unfolded since, actually for years, but intensively unfolded since the beginning of the Obama Presidency.

And these issues unfolded in this fashion, and perhaps I'll go back and revisit them in some more detail. But the American people did go to the polls a year ago last November and sustained majorities and actually expanded majorities for Democrats in the United States Senate and in here in the U.S. House of Representatives, and they elected a President who fit their

mold as a party member, a Democrat, a very liberal Democrat. In fact, President Obama, in the short time that he served in the United States Senate, had the most liberal voting record out of all 100 U.S. Senators. So they elected, I think it's not even close to arguable, the people in the United States elected the most liberal President in the history of this country.

And while there wasn't a legitimate debate in the Presidential race that had to do with immigration, because neither candidate really wanted to touch the issue, they knew that they were at odds with the American people on immigration. JOHN MCCAIN knew that, and he didn't bring up the subject after the nomination, at least not in a substantial way. I couldn't say that it never happened. And Barack Obama knew the same thing and didn't bring immigration up in a substantial way during the Presidential campaign after the nominations.

And so this Nation went forward with discussions about national security, about economic development, discussions about energy, but not discussions about immigration. Here we are today, a year and a month after President Obama was elected, and we have seen these big issues come through this Congress. And here is the sequence of events, Mr. Speaker, that has taken place, and I invite anybody to challenge me on the facts of these, but it is this:

During the Bush administration, we had the beginning of the first call for TARP funding. That was the beginning request that began by my mental marker here, chronologically, September 19, 2008, when Secretary of the Treasury at the time, Henry Paulson, came to this Capitol and asked for \$700 billion. All of it, of course, would be borrowed money. All of it would have to be paid back, and the interest on it, by the taxpayers and their children and their grandchildren, presuming we would be able to retire our national debt in that period of time. Or it might take more generations, Mr. Speaker. \$700 billion in TARP, this Congress approved half of it then, and I believe that it was actually into October, the early part of October 2008, delayed the other half, the other \$350 billion to be approved by a Congress to be elected later and signed into law by a President to be elected later. That began September 19, 2008. \$700 billion in TARP funding, partly before that, mostly after that, became the sequence of events then.

As the described downward spiral and threat of economic crisis of global proportions came at us here in this Congress and it was spread around the globe, causing nation after nation to react in one fashion or another, we saw most of it under the hand of President Obama, the nationalization of three large investment banks, Fannie Mae, Freddie Mac, AIG, the large insurance company, General Motors, Chrysler, all of that swept through in a period of

time of approximately 1 year. And at the tail end, framing the nationalization of those eight huge entities that represent about one-third of the private sector profits in the United States, framed on the other end of that nationalization effort on the part of the White House and those who supported that, was a \$787 billion economic stimulus plan. All of this just raced us towards the nationalization of an economy, the socialization of our economy, Mr. Speaker.

The American people looked at that, and it went so fast that they didn't believe they had the expertise. They trusted Wall Street. They trusted Big Business in America, and they believed, as I did for a time in my adult life, that Wall Street was looking out for the foundations of free-enterprise capitalism so that over the long term they could continue to do business in a free-market environment to be able to buy, sell, trade, and make legitimate gain by creating real wealth that is rooted in the productivity increase of the American workers and the American economy. Well, it didn't turn out to be necessarily the case that clearly.

But while this was unfolding, \$700 billion in TARP, the eight huge national entities of the private sector that were nationalized by the Federal Government, and the \$787 billion economic stimulus plan, all of that came at the American people faster than they could react and faster than they could understand. And they were not simple enough in the foundational understanding of them that the American people could look at that, describe it in a bumper sticker and mobilize. It took too long to understand them. It took long to explain. It was harder for the American people to get caught up, and it was hard for Members of Congress in the same fashion to understand the nuances and the details with the level of confidence necessary to rise up and say, Hold it. That's it. We've got to stop. We cannot race down this path and leap off the abyss into the socialized economy. But that is where we have gone, Mr. Speaker.

The American people started to catch up when they saw cap-and-trade being pushed through this Congress. The cap-and-tax legislation that taxes every bit of energy in America and transfers wealth from one group of people in America to another group, they understood that. It came so fast they couldn't get mobilized very much.

Meanwhile, while this was going on, organizations across America were spontaneously growing up out of the prairie, out of the mountains, out of the western States and off the east coast. People that love this Constitution, love fiscal responsibility and free-market capitalism have risen up, and they have carried their flags into city after city, and they have jammed the capitals of the States, and they have jammed this United States Capital. And when you look out across that sea of people, you will see represented

there, Mr. Speaker, American flags, one after another after another, patriotic Americans, any one of which I would expect to see at my own church picnic. And among those American flags, you will see yellow "Don't tread on me" flags. These are the Americans that will save us from the greed that is also political power greed as well as an economic greed in this country.

All of that has taken place. The American people have mobilized. By the end of July of 2009, this year, they had seen all of this come to pass, and they saw cap-and-trade, or cap-and-tax, pass off the floor of the House of Representatives and a hurry-up rush to judgment, a proposal and a model that cannot be sustained, debated, or argued in any logical fashion that has to do with economics, and neither can the science be defended, especially in light of the emails that have been dumped onto the Internet in the last week or two.

And we've seen at least one resignation, Phil Jones, one of the scientists promoting the climate change argument. The change actually went from the words "global warming" to the phrase "climate change," because obviously they can't show the warming of the globe over the last decade in the fashion that they predicted at least.

All of this happened and we saw town hall meetings fill up all across America during the month of August and early September. Hundreds and hundreds of town hall meetings. Hundreds of thousands of Americans came up and filled those town hall meetings, and they filled up the public squares, and they stepped up and resisted the idea of a government-run health care system of socialized medicine in America.

Now the American people are starting to get some traction. They can see the pattern. They voted for change. They didn't know what the change was, Madam Speaker. And now they have a pretty good idea of that change that has been in store for us, and they reject it. It's why they filled up the Capital and filled up the town hall meetings.

But what we've seen so far is this intensity, this resistance to cap-and-tax, this resistance to a national health care act, the resistance that brought somewhere between 20,000 and 60,000 people here to this Capital to be outside this west side of the Capitol on the Thursday before the final vote. And some of those people that came here on Thursday got on a plane and flew back to their hometown, landed, and they saw that they had a request to come back to the Capital to do this again on Saturday, to do our very level best to dump out all of our energy to kill this socialized medicine bill.

□ 2015

That's the American people mobilized, Madam Speaker. The American people have been mobilized in every State in this union and they came to this city just a few weeks ago to resist socialized medicine. They came from

every single State, including Alaska and Hawaii. And that mobilization of the American people that are determined to defend this country and the values that made this a great Nation is only a smaller part of the energy that's out there if this President, this majority and this Congress, this Pelosi majority and the Harry Reid majority down the hallway through the center of the Capitol in the United States Senate, if they decide they want to try to bring comprehensive amnesty to overhaul the immigration laws in the United States of America, rather than enforcing them, we've seen nothing yet so far this year to what we will see if they try to bring amnesty and force that down the throats of the American people.

The lines have been drawn. The American patriots have stepped up. They understand what's going on. This is about the rule of law. At the core of the argument on immigration is the rule of law. A Nation cannot be a Nation unless it defends the rule of law. And we have been so proud of the rule of law in America. When I went home over Thanksgiving vacation, I arrived home, actually it was very early on a Friday morning and I went to Sioux City. One of the things I did that day was to go to a naturalization ceremony at the Federal building in Sioux City. I have spoken to the naturalized groups there a number of times. There were 37 new Americans that took the oath of allegiance to the United States on that day. They were from 11 different countries that I counted, perhaps a couple of more. These are people that today are as much an American citizen as the residents of 1600 Pennsylvania Avenue, or the residents in my house. I welcome the legal immigrants that come into America, that follow the law, that come here, lawfully, to have access to this American dream, because when they do, they will build this dream for others. The vitality that we have gotten from every donor nation is the cream of the crop off of every donor civilization. It's one of the things about being an American that's unique. We're not just an appendage of Western Europe or the other countries that have contributed people to come to the United States and become Americans. We have a unique vitality, Madam Speaker. It's rooted in a lot of things. It's built upon the foundation of the pillars of American exceptionalism. Among them are free enterprise, capitalism and property rights and freedom of speech, religion, assembly and the press and the right to keep and bear arms; and also, the right to be judged by a jury of your peers.

And the rule of law, Madam Speaker. The rule of law says that if you are judged, and I said this to that group of newly naturalized Americans in Sioux City that day, some week and a half or so ago: If you come before a court of law in the United States of America, if you're the richest man in the world, you'll get the same level of justice that

you get if you're the poorest man in America. If Bill Gates comes before that court, before the Federal court in Sioux City, Iowa, he'll be judged on the same standard as the poorest person in that room that day, or the poorest person they could find off of the street, the same measure of justice. It's what we've pledged. It's one of those foundations of being an American, the same level of justice. Justice is blind. Equal justice before the law. That rule of law, that profound respect for the rule of law would be cast asunder if we grant amnesty to anyone, especially not 10 million or 20 million or more that have come into the United States illegally, demonstrated their lack of respect for our rule of law and, in many cases, demonstrated their contempt for the rule of law in America.

During the early part of July, I went down to the border, mostly in Arizona, and there I went into the border patrol station at Nogales. It's the busiest border patrol station in the country. It's part of that section of 2,000 miles of border from the coast of California all the way to Brownsville. There, as I watched what was happening, we went out and watched as some who were jumping the fence that exists there, it's not a good enough fence, but it's better than no fence. They couldn't control anything without it. And they monitor the fence. They picked up some illegals that had jumped the fence or otherwise broke into the United States. We also saw others on film that were picked up and they were brought to the center, the center at the border patrol station in Nogales. Good people work in there that do respect the rule of law.

If you watched the people that I'd seen arrested because of breaking our immigration law come waltzing into the border patrol station at Nogales, some of them just with a smirk on their face, Madam Speaker, some of them thought they had accomplished something again, that, well, so they got caught; they knew what was going to happen to them. I looked at that smirk, and that smirk on face after face, not every one of them and probably not even quite half of them, but the attitude of many of those who were picked up for unlawful entry into the United States was an attitude that allowed that smirk to be there, that they had tried to pull something off, so they got caught; and they knew what would happen to them. They knew that they would be released and released back to Mexico, and then they would have a chance in the next hour or the next day or the next week, whenever they decided to come back into the United States again. And they knew that they could keep trying over and over and over again until they finally got where they wanted to go.

Some of these questions come down to this. I posed this question, Madam Speaker. How often does one suppose that a unique individual is picked up at the border sneaking into the United

States? We don't have to wonder; we don't have to ask the question because we have some data now that's more than a year old since we've been accumulating, fingerprinting and taking a digital photograph of each individual who is being processed for a voluntary return, or anyone who's been processed for violating our immigration laws, for that matter, those that are processed for voluntary return.

And so I asked the question, How many times do you meet a unique individual? What's the maximum? And we go back and look at the data. Anecdotally it goes to 37 or 38 times for one single individual that's been picked up and brought to the same station, printed, photographed; and then what happens? Oh, and by the way, Madam Speaker, the process is this: Border patrol picks them up, and when they're able to, let's say, interdict one or more individuals, then they call the contractor, a contractor who has a van and a couple of uniformed officers. The van is set up for security so they can haul inmates or those individuals in the van. The van comes, picks them up and two of these people that look like officers, I guess you'll say they are officers, but they're contractors, they load up the one or more illegals that have been interdicted by the border patrol, they take them up to the station where when they walk in, they already have their little plastic bag with their personal items in it. They sit down against the wall; they all get processed, fingerprinted, they get their pictures taken and then they put them in one of four different holding cells, and if they'll do a voluntary return, then they pick them up, it might be the same officers, it often is the same officers, that will take these illegals and haul them down to the border, turn the van sideways, open up the side door and they get out the side of the van and walk back into Mexico. The door gets closed on the van. This time I was watching, they squealed their tires as they turned around and went back to get another load.

The things that I saw in front of my eyes were not catch and release into the United States, but catch near the border and release at the border and direct them to go back to Mexico. No further questions asked. We just have your prints and we have your digital photographs. Anecdotal evidence says 37 to 38 times a unique individual—when I go back and look at the data, the data supports numbers that go up to 28 times that we process the same individual. That's part of the records.

What kind of a law enforcement, what kind of a rule of law would establish the law that says that it's illegal to come into the United States and violate our immigration laws, and then pick people up, run them through the process, and drop them back off at the border and just simply put them back in the condition they were in and very close to the place they were in before they broke the law and not at least

have a limit? Voluntary return 28 times, no consequences?

So I asked those questions: What do you do when you have these numbers that run up, even a second time, even a first time? I'd say zero tolerance. Let's put the resources down there and have zero tolerance; punish everybody to the maximum extent of the law and see what kind of a deterrent effect we can establish. But that's not the case. And when they sometimes have moved people up the line for expedited removal and tried to get them a stiff sentence to punish them, at least in one case, the judge released the individual for time served.

What a demoralizing exercise to go to work every day, put on the uniform of the border patrol and go out and pick up individuals; you catch them and a contractor hauls them, they're processed through the station and hauled back to the border where they go back to Mexico to be caught again, around and around and around again, a never-ending circle, and we call that enforcement of immigration law.

But at least, Madam Speaker, we have immigration law. At least it's against the law to come into the United States in violation of the standards that we have; and at least we have penalties that we can impose against the people that do. But we're here in a Congress that looks like it has the will to start this idea again, this comprehensive amnesty argument again, that if people can get into the United States and they express that they want to stay here, that we should just say, We'll give you amnesty and we'll give you a path to citizenship because we don't have the will to enforce the law.

And this argument, this specious, baseless argument that's been made by this side of the aisle over and over again, and by some on this side of the aisle too, Madam Speaker, that somehow or another America can't get along without having immigrants, legal and otherwise, and actually they say especially illegal immigrants, to do the work that Americans won't do. What an offense to the people that are hardworking in America.

Americans are the majority of every single profession out there. And I mean Americans, legal workers in America, are the majority of every single profession out there with the exception of agriculture and farm workers. Everybody else is predominantly Americans. Yet they'll say there are jobs Americans won't do. Well, what jobs? Tell me what jobs?

JOHN MCCAIN said, well, Americans won't pick lettuce and offered \$50 an hour. I'd have lost my whole construction crews. They'd have gone down there and picked lettuce for \$50 an hour instead of haul dirt for the price we pay them, which isn't bad, by the way. That argument that there are jobs that Americans won't do and those are jobs that must be done doesn't have a foundation. Americans will do these jobs over and over again. And if there's a

job that Americans won't do, let me describe to you the most difficult job there is. The most dangerous, the dirtiest, the most stressful, the riskiest, hottest, dustiest, dirtiest, nastiest job to do is rooting terrorists out of places like Fallujah or Karbala or Ramadi, or Iraq, Afghanistan and the mountains in Afghanistan, for example. That's the most difficult job there is. It's the most dangerous. It's the dirtiest. You don't get to take a shower every day and sit down and take a coffee break when the bullets are flying or the IEDs are being detonated.

And what do we pay Americans to do that? The lowest ranking marines—a couple of years ago I checked the number—about \$8.09 an hour, presuming it is a 40-hour week, and it's not. Can you look those people in the eye that are defending our safety and our security, Madam Speaker, and say to them, There are jobs Americans won't do? That marine, that soldier, he's going to look at you and wonder, well, what's dirtier or more dangerous, what's nastier than this job that I'm doing for the love of my country? For the love of my country and \$8.09 an hour? And we have to take this insult that there's jobs that Americans won't do.

Americans do every job. I look at my family. I look at my neighbors. It's hard to come up with a job that we haven't done. That includes processing meat. I've done a fair amount of it myself. But if I look at the meat processing around my neighborhood, 25 years ago, at about that era of time, if you wanted to get a job in the packing plant around my neighborhood, you had to know somebody to get in. These weren't union jobs, but you had to know somebody to get a job like that because they paid well. The benefits were competitive with anyplace else. I watched people grow up and maneuver and position themselves to go through school and get out of school so they could get a job working on the line at the packing plant, just the way a lot of miners got in line to go down and mine some coal or steelworkers lined up at the mill and generation after generation went to work at the steel mill. These are proud jobs, and there's dignity in every kind of work that's necessary to be done.

□ 2030

But at the time, 25 or 30 years ago, you had to know somebody to get a job to work in the packing plant, and the job paid about the same as a school teacher made then. Today, that same job is usually held by someone whom we suspect is illegal, and it pays about half of what a teacher is making.

So what we've seen is we've seen an oversupply of labor that has poured into these jobs because people can go in and do these jobs without being particularly literate or particularly educated, but you can't do it without being particularly ambitious.

And so the young American that grew up that really only wanted to go

and do his 40 or 45 hours a week and go work in the plant and punch the clock and come home and raise his kids and play ball and take them fishing and modestly pay for a modest house and give an opportunity for his children and focus his life on other things other than always career advancement, that opportunity is nearly gone in America today because we have an oversupply of labor that's willing to work cheap and they can compete in these jobs because it doesn't take a long period of education to do some of the work out there where the wages have gone down.

The highest levels of unemployment that we have in America are in the lower-skilled jobs. That's to the detriment of the American worker. And, Madam Speaker, there are people out there today that are going to work in these jobs that are legal. They're legal immigrants or else they're natural-born Americans. And when they step up to the line, whether it's at the steel mill or whether it's the packing plant or food processing or whatever it might be, and if you look to their right and they see someone whom they suspect is illegal, and may well know that they are, and they look to their left and they see another person that they suspect is illegal, or know that they are, they need to understand that on their right and left likely are jobs that Americans would be doing if those positions weren't taken by those who broke into this country or those who overstayed their visas, Madam Speaker.

Here we are with the President of the United States tomorrow having his jobs summit at the White House. And there you will see a collection of Keynesian economists, the kind of brains that brought about all these things that I've talked about, from TARP funding to the nationalization of the investment banks and AIG and Fannie Mae and Freddie Mac and General Motors and Chrysler and \$787 billion and an economic stimulus plan; the kind of brains that decided we should tax all the energy consumed in America and tell America that we're going to create green jobs; the kind of people that can't draw a distinction between the private sector and the public sector; people that don't understand that it's the private sector that produces all of the new wealth that's necessary—in fact, all of the wealth that's necessary to make this society work—and that out of that wealth that comes from the private sector is skimmed the funding that goes into the government machinery. It has been so convoluted over the last generation or so that economists can go through a college education and go off and get their master's and really not have much exposure to where the new wealth comes from.

I need to make this point, Madam Speaker, that the American people need to understand there's a distinction between the private sector—the productive sector of the economy—and the public sector of the economy—the

parasitic sector of the economy, the sector of the economy that comes from government that taxes production and punishes production and regulates production until it defeats the very spirit of the entrepreneurs that start the companies that create the jobs.

And these companies that come from the entrepreneurs, they aren't just based on some esoteric dream like we seem to be getting out of the White House economists that we will hear about tomorrow. The idea that we have out there, I can't draw a distinction very much between what is going on between the years of Larry Summers, for example, or someone who may believe that they can always keep pushing the system further ahead. We have heard of those people.

Madam Speaker, my news to the White House is this American economy is not just simply a large magic chain letter that you can stimulate some people to make another investment and send out another dozen letters in the chain and they would get theirs out of the next group of suckers. That's what a chain letter does. That's what a government-driven economy does. It always has to find another group of suckers. And the suckers today are becoming the ones that are producing some wealth in the private sector.

Now where does wealth come from? It comes from the production of goods and services, first, that are essential to the survival of mankind and, second, to the production of goods and services that improve the productivity of those goods and services that are essential to the survival of mankind.

So if it's food, clothing and shelter, the things that we must have if we're going to live, if you produce those things, you're at the foundation of the new wealth. If you produce those things that make us more efficient in producing those essentials for life, you're at the second level of the economy. The third level is the disposable income that comes that's in excess to the necessities that are required to replace your capital investment and the necessities that are required to continue the production of the necessities of life. And so that's the disposable income. That's the income we use to add those things to our quality of life that allow us to go to Disney World, to go on vacation, travel around. Those things that, when we buy nice things and sit them on the shelf, make us feel good. They're not essential. They're nice, but we can get along without them.

So those are the levels of the economy and all new wealth comes from the land or out of Mother Earth. And whether you want to mine some gold or some platinum or whether you want to raise some corn or soybeans or cotton or peanuts, all of these things add to our ability to provide for the survival of mankind and the production efficiency of mankind. And when we do that well enough, we've got disposable income and the Federal Government

and other political subdivisions come in and skim the cream off that production out of the private sector that I've just described.

And then you have people like those who have been appointed by the President, hired by the President, and the President himself, who sit back, get this thoughtful look on their face, and they think, Let me see, if I could borrow a few hundred billion dollars from the Chinese and promise to pay interest on that few hundred billion dollars, then I could drop this money in and I could do a few hundred billion dollars' worth of patronage—patronage jobs that will call for more political loyalty and the government jobs that are temporarily created by the taxation and the borrowing that takes place.

Never mind about 4 years from now or 8 years or a decade or two or a generation from now. We'll just borrow that money now and drop this into the economy and give this big, giant economic chain letter a spin. That's what's been going on, but it has gone into over-drive in the last year. And while this is going on, we have this immigration policy that's becoming more and more errant in its philosophy and its results.

I've talked about the lack of will to enforce immigration law just by illustrating what we're doing. We're doing catch-and-return as opposed to catch-and-release. We're just returning them to the border and releasing them there. So catch-return-release is a better way to describe what is going on with immigration law in the United States. We have a Secretary of the Department of Homeland Security that has essentially said, I'm not going to go out and do raids on employers, even if I know there might be thousands there that are working there illegally. She's essentially said that she just wants to go in and find the employers that are violating the law by hiring illegals.

Now, I think we should do that; but I think when we encounter people that are in this country illegally, whether they're working or whether they aren't, we have an obligation when we encounter people unlawfully present in the United States to take them back and put them where they're lawfully present. All we're doing is putting people back into the condition they were in before they broke the law. Deporting someone who's violated immigration law in the United States is the equivalent of catching—let's just say you catch a bank robber and he's got the money and you say, Hold it, you're going to have to give up the money and I'm going to take you outside the door of the bank and turn you lose again. That's the equivalent of deportation.

Any nation that doesn't have the will to put people back in the condition they were and the location they were in before they broke the law on immigration cannot sustain any kind of enforcement whatsoever. It's predicated on the ability to return them to where they came and keep them out. That's

why. Not only do we need to use all levels of law enforcement; we need the 287(g) program to be refurbished again to what it was before it was distorted by the Secretary of Homeland Security for the purposes, I believe, of jerking the 287(g) local law enforcement co-operation memorandum of understanding rug out from underneath Sheriff Joe Arpaio down in Maricopa County. It was one of the strong motivations that took place.

We have to have, in a Nation with a rule of law, we have got to have co-operation at all levels of government with all laws. We cannot have local law enforcement take a position that they don't have the authority to enforce immigration law. Of course they do. The Attorney General should know that. There's an Attorney General's opinion that supports it; a previous Attorney General actually under Ashcroft. There are several Federal court cases that support the authority and the jurisdiction of local law enforcement to enforce Federal immigration law.

And I could drop those all into the RECORD here tonight, Madam Speaker. They are a matter of fact here in America, no matter how they have tried to distort this, because the open borders people don't want to enforce immigration law. They want to see a greater number of people come into the United States, and they want to empower themselves politically with the masses of those that are here illegally.

But they're running up against a little problem, Madam Speaker. This problem is the growing problem of unemployment in America: the pressure on our economy—the pressure on our economy that's watching us lose, over the last month, 190,000 jobs. We lost 190,000 jobs last month that were eliminated by the downward spiral of our economy. During the same period of time our Federal Government saw fit to approve permanent work permits—those are green cards—for legal immigrants of 75,000 per month.

Now, if you look at these numbers, these numbers work like this: there are approximately, according to the Pew Hispanic Center, 8 million illegals working in the United States. I think the number is greater than that. These numbers can be verified, I believe, by solid analysis. It's not under that unless the suppression of the economy has reduced that number marginally over the last few months, and it may have actually dropped as far as 7 million. But their number is 8 million.

The second number is 75,000. We issued in October of this year, the Federal Government, 75,000 working permits for immigrants; 75,000 new illegal immigrant workers in just one month. Seventy-five thousand. That's an actual rate of 900,000 new working legals in the United States of America while we're losing 190,000 jobs a month. This works out to be, on an annual basis—and I'm just extrapolating over the last month because we don't know what the future is going to bring, Madam Speak-

er—but I extrapolate this. We lost 190,000 jobs last month. That's 2,280,000 jobs lost at that rate. Those jobs gone, disappeared. But at the same rate, 900,000 jobs taken up by legal immigrants, not to count the illegal immigrants that are there.

So we had a net annual loss of jobs of about 1.1 million, 380,000 net loss of jobs as a result of the 900,000 green cards. We have 8 million—perhaps as low as 7—but 8 million illegal workers in America. You add that to the number, and you have a pressure on this economy that is just an awesome thing to think that we have a President of the United States that declared that his stimulus plan was going to, Madam Speaker, he said—and I'm almost embarrassed to repeat this—save or create 3.5 million jobs by September of 2010. I believe that's the date that he gave in that. Save or create 3.5 million jobs by September, 2010, if we just put another \$787 billion into the economy, which some of that happened. All of it was approved and authorized in one fashion or another. However it was used is another story.

□ 2045

So a government, led by the White House, that was going to save or create 3.5 million jobs now has to admit that, according to the CBO, you can't determine what number of jobs have been created, let alone what jobs have been saved. And I always knew that those were pretty slippery words. It's hard to pin down a definition when you say "save or create." But on that day—in fact, that moment—when I heard the language from the President that he was going to save or create 3.5 million jobs with the \$787 billion, my instantaneous response was, as long as there are 3.5 million jobs left in America, they will be the jobs the President points to and says, See, those are the jobs that I saved with the \$787 billion stimulus plan.

That's how this language works. If you're going to create jobs, you should be able to quantify how you're going to do that, and you should lay out the cost per job to create them. If you're going to save jobs, how do you invest money in saving a job? I suppose you could go to a company and say, Listen, we're going to buy up all of this product that you're producing because you have got a 1,000 jobs here, and part of the money that we're contributing to buy this product we wouldn't buy otherwise is going to save these 1,000 jobs that you have. It is pretty hard to measure.

So the Federal Government didn't really do much analysis. They just set up this Web site. This Web site, Madam Speaker, is [recovery.gov/transparency/statesummaries](http://recovery.gov/transparency/statesummaries), and the list goes on. Well, I didn't look at all 50 States. I went as far as Iowa before I actually learned all I needed to know at this point. This is the Web site. Not only does it create jobs that certainly don't exist, but it also creates congressional

districts that don't exist. Just for the State of Iowa, on this Web site, recovery.gov/transparency, for the jobs that were created in western Iowa, alleged by the White House's Web site, they spent \$862,498 per job created. Now, get that, \$862,498 jobs per job created in western Iowa, created a lot of these jobs in nonexistent congressional districts.

We have five congressional districts in Iowa. Some of these jobs were alleged to have been created. These are the district numbers. Seventh, Eighth, 16th, 17th, 19th, 24th, and 31st Iowa Congressional Districts, jobs created at the cost of \$862,498, and that leaves off the double-aught district of the State of Iowa. That's zero-zero. That's double goose egg. That's nonexistent, if you could put nonexistent there without a decimal point and carry it out to infinity. There they spent \$114,000 to create five nonexistent jobs.

This is what's going on with these Keynesian economics on steroids while they're propping up immigration, while we have Americans that need jobs, want jobs, line up for jobs. While this is going on, we have this kind of fuzzy math accounting and a complete misunderstanding of where wealth comes from, a complete misunderstanding of the foundation of our economy. And I know John Maynard Keynes had some ideas, and I know he has got followers, and I know FDR was one of them. But Keynes was also the guy who said back in the 1930s, I can solve all of your unemployment in America. Just take me to an abandoned coal mine, and I will go out and drill a bunch of holes out there, and I will bury American cash in there, and then I will fill that coal mine up with garbage—this was before the EPA was created, by the way, Madam Speaker—and turn the entrepreneurs loose to go dig the money up out of the holes that were drilled in the bottom of the coal mine that was filled with garbage.

That was Keynes' idea, and I know he was sounding facetious, but, giving a little bit for his sense of humor and for his sense of accuracy, because we have spent a lot of money in this country, dug holes and filled them back up figuratively without putting the money in it, just put money in the hole.

Do Americans want jobs? Absolutely they do, Madam Speaker. And here's what's taking place: Day labor centers are now seeing natural born Americans, United States citizens, line up at the day labor centers right next to illegals, competing for jobs that illegals were supposedly doing that Americans wouldn't do. Here is an article in my hand, USA Today, December 1—that's yesterday—titled "Unemployed U.S.-born workers seek day-labor jobs." It quotes a professor at the University of California-Los Angeles, Abel Valenzuela, Jr.—he is a professor of urban planning. To quote him, he says this:

"You had many, many unemployed construction workers who found them-

selves without any permanent or stable work. Some of them have gone on to seek employment by standing on street corners alongside immigrant workers." That's the professor at the University of California-Los Angeles. It goes on to say, "Contractors and homeowners describe the jobs and negotiate pay on the spot," just like illegals have, for too long in this country. There are stories and narratives that come from Tucson, Arlington, Virginia, Los Angeles. Los Angeles, it says that "Citizens are replacing"—citizens, Madam Speaker—"Citizens are replacing immigrant day laborers who had trouble finding work and returned to their home countries. These are people who used to have permanent positions. It's happening everywhere."

That's the article from USA Today. Jobs Americans won't do? Americans are lined up to get jobs in day labor gatherings right alongside groups of illegals who have, some of them, decided to go back home because of the lack of opportunity here. The unemployment rate is 10.2 percent. Seven to eight million working illegals, as I said. That's about 15.7 million unemployed, and Madam Speaker, if you add to the list of that 15.7 million legitimate workers in America who are unemployed and, by definition, are looking for a job, there is another 5.5 million or more who have exhausted their unemployment benefits who don't quite fit the definition that are looking for a job.

There are more than 20 million Americans that want a job today. The American workforce, of 154.4 million of our total workforce, there are over 70 million Americans of working age who are not working. Over 70 million. We could tap into a workforce of more than 70 million people of working age that are just simply not working because the wages don't pay enough, the benefits don't pay enough. Maybe they're independently wealthy. Maybe they're in between jobs, but they're all hireable if you make a good enough offer.

These are Americans that will work. There are 70 million nonworking Americans of working age, 7 million to 8 million working illegals, and they tell us that they are jobs Americans won't do, and we won't possibly run our economy unless we have these millions of illegal workers that are here, but they want to give them amnesty and legalize them?

All we have to do, Madam Speaker, is hire 1 out of 10 of the Americans who are of working age and not in the workforce, put them into those jobs, and we could easily replace—by hiring 10 percent of the nonworking Americans of working age, we could replace every illegal in America, according to these numbers, that are produced by the Pew foundation. If it's double that, like I think it is, then we hire 20 percent, 2 out of 10 of Americans. We're looking at more than 20 million Americans that are looking for work. I think

this is an easy solution for us. And by the way, we are wiping out 900,000 jobs a year because of legal immigration, green cards that we're granting at the rate of 75,000 per month. That number I believe is 780,000 so far this year.

"Federal records show that before the recession began, the Federal Government issued 830,000 green cards in the previous year. Last year, during the first year of the recession, the government granted 875,000 new green cards, and we're at the pace to go to 900,000 or more this year." There were 900,000 jobs granted to people who were—at the time the card was advanced—not Americans, while Americans are lined up 20 million deep. We're wiping out almost 1 million jobs a year because of the legal immigration, and we know that there are 7 million to 8 million or more jobs that are taken by illegals, and we know that if we enforce the job—if we enforce a law for every illegal that's removed from a job, it opens up a job slot for an American to step into.

Madam Speaker, any sane nation would go after this enforcement. They would adjust their immigration policy to reduce the legal immigration because of the recession that we are in. Here is what's going on in this chart, Madam Speaker. The workforce enforcement free-fall—what we've seen happen is, the unemployment has gone up 58 percent overall. At the same time that's happened, here is the enforcement that has gone down. Department of Homeland Security administrative arrests are down 68 percent; criminal arrests are down 60 percent; criminal indictments are down 58 percent, almost reflecting the same; criminal convictions are down 63 percent. This whole level is down roughly 60 percent or a little bit more in the enforcement of our immigration laws, while unemployment is up almost the same thing, almost 60 percent.

What nation that needs a sound economic policy would go down this path of reducing its enforcement of immigration law while it watched unemployment go up to 10.2 percent and rising to 15.7 million by definition unemployed, more than 20 million altogether, and still we grant green cards at the rate of 900,000 a year. And every one of them supplants—if they go to work, they supplant a job an American would be doing otherwise while we tolerate, I'll say, tens of millions of illegals in America who come here and—yes, I know everybody has a dream, but everybody can't live in the United States of America. That is the bottom line. We can't help the world if we sink the lifeboat. That's what will happen.

I'm for a tighter labor supply, Madam Speaker. I'm for the kind of labor supply that will allow that person who grows up in this country or comes legally to this country to go to work and earn a living and be able to claim a salary and benefits package that they can live on, that they can



raise a family on. And yes, today it takes two workers in a family to make this happen. Mom and dad to raise the kids, working together and making ends meet as best they can.

But that's not really possible today for the lower-educated Americans. Their dreams have been taken away by illegal immigration. And somewhere, somewhere in America thousands of times over, over Thanksgiving and coming up for Christmas, there will be a brother and a sister, or a brother and a brother, siblings sitting around the table, and they'll say grace and ask the blessings on their turkey, and they'll start to talk as they eat, and somebody will be unemployed. And their brother or sister will have a job, and they'll understand that there are people who are in the United States illegally that are filling those slots that they could have, and this discussion, which becomes a nationwide discussion, the rejection of amnesty starts to swell.

As the subject is brought forward here before this Congress—if it is—you will see the American people rise up, and their rejection of amnesty that we saw in 2006 and '07 will be child's play compared to the anger of the American people who now see themselves unemployed, 20 million or more, watching them being replaced by legal immigrants at the rate of almost 1 million a year and watching 8 million, or maybe twice as many, illegals working in America, taking jobs that Americans will do.

In fact, taking jobs, according to the USA Today article that I referenced, that Americans are standing in line to do right next to people that—if I needed to come and hand out the work permits, they would be compelled to deport many of these workers. This Nation does not have a logical and coherent enforcement of immigration law.

One of the things we need to do for a tool to enforce, Madam Speaker, is to pass my New IDEA Act. The acronym is this: The New Illegal Deduction Elimination Act. It brings the IRS into this so that the IRS—it clarifies to the IRS that wages and benefits are not deductible for income tax purposes. It allows the IRS to do the audit and deny the business expense of wages and benefits paid to illegals, which takes—when the interest and the penalty and the tax liability that accrues from that decision at a 34 percent rate, will take your \$10 an hour illegal up to \$16 an hour.

Employers will understand that they would rather go with the legal worker at \$13 or \$14 an hour than the illegal that could cost them \$16 an hour, and we have the IRS into this. They love enforcing their work. I know that. So we bring the IRS into the mix, and they would be required under the New IDEA Act to cooperate with the Social Security Administration and the Department of Homeland Security. We can shut down this jobs magnet. We can control this border. We can reestablish the rule of law in America. We

can reinvigorate this economy, and we can produce a tight enough labor supply that the wages and benefits paid to our workers, whatever their education level is—if they're willing to work, they need to be able to sustain themselves in this society.

We're moving away from it today. We can move this back. We can refurbish the middle class in America. That's one of our charges during this time. It's one of our opportunities during this time, Madam Speaker. And I urge that you and everyone in this Congress bring special attention to the preservation of the rule of law which is more important than our economy is today in this country.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSEN of Washington (at the request of Mr. HOYER) for after 1:30 p.m. today.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Ms. LEE of California, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 8 and 9.

Ms. ROS-LEHTINEN, for 5 minutes, today and December 3.

Mr. JONES, for 5 minutes, December 8 and 9.

Mr. BURTON of Indiana, for 5 minutes, today, December 3 and 4.

Mr. MORAN of Kansas, for 5 minutes, today, December 3, 4, 7, 8 and 9.

Mr. BROUN of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

S. 1860. An act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms.

#### ADJOURNMENT

Mr. KING. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Thursday, December 3, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4777. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Scales; Accurate Weights, Repairs, Adjustments or Replacements After Inspection (RIN: 0580-AB09) received October 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4778. A letter from the Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Grassland Reserve Program (RIN: 0578-AA53) received November 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4779. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2009-0018; FRL-8795-3] received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4780. A letter from the Under Secretary, Department of Defense, transmitting a letter to report the Antideficiency Act violation, Air Force case number 07-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4781. A letter from the Chief Judge, Chair, Joint Committee on Judicial Administration, District of Columbia Courts, transmitting a report of a violation of the Antideficiency Act by the District of Columbia Courts, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4782. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending September 30, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

4783. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2008 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

4784. A letter from the Assistant Secretary, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition for identification card and administrative functions; to the Committee on Armed Services.

4785. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; World Trade Organization Government Procurement Agreement Designated Country [DFARS Case 2009-D010] received November 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4786. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Reserve's "Major" final rule — Electronic Fund Transfers [Regulation E; Docket No.: R-1343] received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4787. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transaction involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4788. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-ninth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

4789. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Race to the Top Fund [Docket ID: ED-2009-OESE-0006] (RIN: 1810-AB07) received November 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4790. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2009-OPE-0003] (RIN: 1840-AC95) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4791. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2003 and 2004", pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

4792. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Interim final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans (RIN: 1210-AB27) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4793. A letter from the Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Repeal of Test Procedures for Televisions [Docket No.: EERE-2009-BT-TP-0020] (RIN: 1904-AC09) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4794. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004" covering the year 2008; to the Committee on Energy and Commerce.

4795. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.: NHTSA-2009-0120] (RIN: 2127-AK61) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4796. A letter from the Acting Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting a report entitled "A National Plan for Migrating to IP-Enabled 9-1-1 Systems"; to the Committee on Energy and Commerce.

4797. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's Uniform Resource Locators (URLs) for documents recently issued related to regulatory programs; to the Committee on Energy and Commerce.

4798. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4799. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

4800. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

4801. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the October 2009 Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

4802. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4803. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4804. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Addressing Poor Performers and the Law"; to the Committee on Oversight and Government Reform.

4805. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Statistical Programs of the United States Government: Fiscal Year 2010", pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Oversight and Government Reform.

4806. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Annual Report on Audit and Investigative Activities for Fiscal Year 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4807. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2007 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4808. A letter from the Assistant Attorney General, Department of Justice, transmit-

ting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

4809. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30695; Amdt. No. 3347] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4810. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30690 Amdt. No. 3312] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4811. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Chemical Oxygen Generators [Docket No.: PHMSA-2009-0238 (HM-224G)] (RIN: 2137-AE49) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4812. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, and C-212-CE Airplanes [Docket No.: FAA-2009-0611; Directorate Identifier 2008-NM-165-AD; Amendment 39-16033; AD 2009-20-10] (RIN: 2120-AA64) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chuathbaluk, AK [Docket No.: FAA-2009-0231; Airspace Docket No. 09-AAL-6] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4814. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-535E4 Series Turbofan Engines [Docket No.: FAA-2009-0057; Directorate Identifier 85-ANE-25-AD; Amendment 39-16037; AD 2009-20-14] (RIN: 2120-AA54) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4815. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300 and 737-400 Series Airplanes [Docket No.: FAA-2009-0429; Directorate Identifier 2007-NM-059-AD; Amendment 39-16038; AD 2009-21-01] (RIN: 2120-AA64) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4816. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eastsound, WA [Docket No.: FAA-2009-0554; Airspace Docket No. 09-ANM-8] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4817. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30693; Amdt. No. 3345] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4818. A letter from the Assistant CC for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Incorporation by Reference Update: American Petroleum Institute (API) Standards 5L and 1104 [Docket No.: PHMSA-2008-0334.] (RIN: 2137-AE42) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0151] (RIN: 2127-AK44) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4820. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses that support the General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Transportation and Infrastructure.

4821. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2008 Findings on the Worst Forms of Child Labor", pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

4822. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Cost-of-Living Adjustments for 2010 to certain items as required (Rev. Proc. 2009-50) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4823. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance for Expatriates Under Section 877A [Notice 2009-85] received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 2053 Regarding Post-Death Events [TD 9468] (RIN: 1545-BC56) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax-free sales of articles for use by the purchaser as supplies for vessels or aircraft (Rev. Rul. 2009-34) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4826. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-35) received October 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4827. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States [Notice 2009-91] received November 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4828. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effective Date of Regulations Under Sec. 411(b)(5)(B)(i); Relief Under Sec. 411(d)(6); and Notice to Pension Plan Participants received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4829. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the office's acceptance of recommendations of the report entitled "Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges"; jointly to the Committees on Foreign Affairs and the Judiciary.

4830. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities"; jointly to the Committees on the Judiciary and Education and Labor.

4831. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Interim Final Rules Prohibiting Discrimination Based on Genetic Information in Health Insurance Coverage and Group Health Plans (RIN: 0938-AP37) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4832. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1857-DR for the State of New York; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4833. A letter from the Administrator, FEMA, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Oklahoma; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4834. A letter from the Administrator, FEMA, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1856-DR for the State of Tennessee; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4835. A letter from the Administrator, FEMA, transmitting the Department's report on the denial of appeal for assistance for the State of Pennsylvania; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

4836. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting a report entitled "Capability of the People's Republic of China to Conduct Cyber Warfare and Computer Network Exploitation"; jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 515. A bill to prohibit the importation of certain low-level radioactive waste into the United States; with an amendment (Rept. 111-348 Pt. 1). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2994. A bill to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004, and for other purposes; with an amendment (Rept. 111-349). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 941. Resolution providing for consideration of the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, and for other purposes (Rept. 111-350). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Ways and Means discharged from further consideration. H.R. 515 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself and Mr. CAMP):

H.R. 4169. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. HODES:

H.R. 4170. A bill to amend the Emergency Economic Stabilization Act of 2008 to strike the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program after 2009, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself, Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. KISSELL, and Mrs. HALVORSON):

H.R. 4171. A bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. WESTMORELAND, and Mr. BURGESS):

H.R. 4172. A bill to provide the same penalty rate for taxpayers who voluntarily disclose unreported income from offshore accounts as was afforded Timothy Geithner with respect to his failure to pay self-employment taxes with respect to his compensation from the International Monetary Fund; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4173. A bill to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, the Judiciary, Rules, the Budget, Oversight and Government Reform, and Ways and Means,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE:

H.R. 4174. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to estate and gift taxes, small businesses, and government contractors; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. GRAVES, Mr. BOREN, Mr. SULLIVAN, Mr. ISRAEL, Mr. WILSON of South Carolina, and Mr. CARTER):

H.R. 4175. A bill to protect consumers from discriminatory State taxes on motor vehicle rentals; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 4176. A bill to amend the Military Construction Authorization Act for Fiscal Year 2010 to authorize construction of an Aegis Ashore Test Facility at Pacific Missile Range Facility, Hawaii; to the Committee on Armed Services.

By Mr. BERRY (for himself and Mr. CHILDERS):

H.R. 4177. A bill to provide emergency disaster assistance to certain agricultural producers that suffered losses during 2009, to provide emergency disaster assistance to certain livestock producers that suffered losses during 2008 or 2009, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. PAUL, Mr. WATT, Mr. MARCHANT, Mr. MCCOTTER, Mrs. CAPITO, and Mr. BACHUS):

H.R. 4178. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, Ms. LEE of California, and Mr. MASSA):

H.R. 4179. A bill to amend the Internal Revenue Code of 1986 to keep Americans working by creating a refundable work-sharing tax credit that stimulates demand in the private sector labor market and provides employers with an alternative to layoffs; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mrs. CAPPs, Ms. BERKLEY, Ms. NORTON, Mr. STARK, Ms. WATSON, Ms. EDWARDS of Maryland, Mr. GRIJALVA, Mr. GRAYSON, Ms. CHU, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. HALL of New York, Mr. ACKERMAN, Ms. SPEIER, Ms. LORETTA SANCHEZ of California, Mr. ELLISON, Mr. DINGELL, Mr. BLUMENAUER, Ms. WOOLSEY, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. PINGREE of Maine, Ms. HIRONO, Mr. FILNER, Mr. ABERCROMBIE, and Mr. WALZ):

H.R. 4180. A bill to amend title 10, United States Code, to include the disclosure of sexual orientation by a member of the Armed Forces to a Member of Congress as a lawful and protected communication and to prohibit retaliatory personnel actions against members of the Armed Forces who make such a disclosure in a Congressional hearing or who testify, for or against, the policy concerning homosexuality in the Armed Forces; to the Committee on Armed Services.

By Mr. HINOJOSA:

H.R. 4181. A bill to provide grants to States to improve high schools and raise graduation

rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 4182. A bill to amend the Homeland Security Act of 2002 to limit the number of Urban Area Security Initiative grants awarded and to clarify the risk assessment formula to be used when making such grants, and for other purposes; to the Committee on Homeland Security.

By Mr. McDERMOTT (for himself, Mr. NADLER of New York, Mr. CONYERS, Mr. SIREs, Mr. ACKERMAN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. CAPUANO, Ms. DeLAURO, Mr. MICHAUD, Ms. WOOLSEY, Mr. GRIJALVA, Mr. KILDEE, Mr. LEVIN, Mr. CARDOZA, Ms. BERKLEY, Mr. ELLISON, Mr. DeFAZIO, Ms. PINGREE of Maine, Mr. LANGEVIN, and Ms. MCCOLLUM):

H.R. 4183. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of programs providing unemployment benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to make permanent the qualified tuition deduction; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4185. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from Social Security tax coverage; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. HERGER, Ms. HERSETH SANDLIN, and Mr. BRALEY of Iowa):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. BARTLETT, Mr. HOYER, Mr. KRATOVIL, Mr. CASTLE, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, and Mr. HOLDEN):

H.R. 4187. A bill to amend the Water Resources Development Act of 1996 to make modifications to the Chesapeake Bay environmental restoration and protection program; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK (for himself, Mr. PALLONE, and Mr. GRIJALVA):

H.R. 4188. A bill to authorize appropriations for brownfields site assessment and cleanup, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Utah, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. CHAFFETZ, Mr. CHANDLER, Mr. CHILDERS, Mr. CONAWAY, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS

of Tennessee, Mr. DAVIS of Alabama, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. ELLSWORTH, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GRIFFITH, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HODES, Mr. HOLDEN, Mr. INSLEE, Mr. ISRAEL, Mr. KIND, Mr. KRATOVIL, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. MELANCON, Mr. MICHAUD, Mr. MINNICK, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. NYE, Mr. ROSS, Mr. SALAZAR, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SHULER, Mr. SMITH of Washington, Mr. SPACE, Mr. TANNER, and Mr. UPTON):

H. Res. 942. A resolution commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. TIM MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. REHBERG, and Mr. ACKERMAN.

H.R. 223: Ms. CHU.

H.R. 233: Ms. BEAN.

H.R. 305: Mr. POLIS of Colorado.

H.R. 432: Mr. COSTA.

H.R. 470: Mr. SOUDER.

H.R. 482: Mr. HINCHEY.

H.R. 537: Mr. GERLACH.

H.R. 571: Ms. WOOLSEY.

H.R. 606: Ms. WATSON.

H.R. 646: Mr. JOHNSON of Georgia.

H.R. 690: Mr. ADLER of New Jersey.

H.R. 699: Mr. MORAN of Virginia.

H.R. 725: Mr. BACA.

H.R. 734: Ms. RICHARDSON.

H.R. 739: Ms. SLAUGHTER.

H.R. 768: Mr. LUJÁN.

H.R. 847: Mr. MARKEY of Massachusetts.

H.R. 916: Ms. BALDWIN and Mrs. CAPPs.

H.R. 930: Mr. MORAN of Virginia.

H.R. 960: Mr. PIERLUISI and Mr. CONNOLLY of Virginia.

H.R. 1045: Mr. PIERLUISI and Mr. CONNOLLY of Virginia.

H.R. 1204: Mr. SPRATT.

H.R. 1215: Ms. WATSON.

H.R. 1230: Mr. CLEAVER.

H.R. 1236: Ms. SLAUGHTER.

H.R. 1318: Mr. McMAHON.

H.R. 1362: Mr. FRANK of Massachusetts.

H.R. 1403: Mr. PERRIELLO and Mr. PITTS.

H.R. 1585: Mr. MORAN of Virginia and Ms. FUDGE.

H.R. 1623: Mr. MCCOTTER and Mr. MARCHANT.

H.R. 1628: Mr. BILBRAY.

H.R. 1792: Mr. TERRY.

H.R. 1869: Ms. BERKLEY, Mr. WALZ, Ms. TSONGAS, Ms. GIFFORDS, and Mr. LEWIS of Georgia.

H.R. 1880: Mr. CARNAHAN.

H.R. 1974: Mr. SCOTT of Virginia and Mr. WOLF.

H.R. 2006: Mr. BISHOP of Georgia, Mr. DeFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2068: Mr. WOLF.

H.R. 2074: Mr. NADLER of New York, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. SIREs, Mr. SCHIFF, Ms. MCCOLLUM, Mr. TONKO, Mr. BRALEY of Iowa, Mr. GRIJALVA, Mr. MASSA, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. PINGREE of Maine, and Mr. PAS-TOR of Arizona.

H.R. 2103: Ms. SLAUGHTER.

H.R. 2112: Mr. CAPUANO.  
H.R. 2138: Mr. COHEN.  
H.R. 2156: Mr. YOUNG of Alaska.  
H.R. 2239: Mr. BERMAN.  
H.R. 2243: Mrs. LOWEY.  
H.R. 2246: Mr. HINOJOSA.  
H.R. 2254: Mr. ADLER of New Jersey, Mr. HOLDEN, Mr. INSLEE, Mr. BUCHANAN, Mrs. NAPOLITANO, and Ms. CHU.  
H.R. 2276: Mr. KENNEDY.  
H.R. 2339: Mr. FRANK of Massachusetts.  
H.R. 2377: Mr. PRICE of North Carolina and Mr. CASTLE.  
H.R. 2405: Mr. SCHOCK.  
H.R. 2425: Mr. PETERSON.  
H.R. 2460: Ms. CHU.  
H.R. 2476: Mr. McKEON.  
H.R. 2478: Mr. BACA and Mrs. BLACKBURN.  
H.R. 2480: Ms. DELAURO, Mr. LANGEVIN, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HIGGINS, and Mr. HARE.  
H.R. 2492: Mr. SCHIFF.  
H.R. 2531: Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. ROTHMAN of New Jersey.  
H.R. 2565: Mr. CASSIDY.  
H.R. 2573: Mr. TEAGUE, Mr. BISHOP of New York, and Mr. HOLT.  
H.R. 2575: Ms. KILROY.  
H.R. 2766: Mr. PALLONE, Mr. TOWNS, Mr. ACKERMAN, Mr. SERRANO, Mr. WEINER, and Mr. HONDA.  
H.R. 2807: Mr. POLIS of Colorado.  
H.R. 2817: Mr. OBERSTAR.  
H.R. 2850: Mr. McDERMOTT.  
H.R. 2852: Ms. DeGETTE.  
H.R. 2866: Mr. POLIS of Colorado.  
H.R. 2906: Mr. CARNAHAN, Ms. TITUS, and Ms. DELAURO.  
H.R. 2941: Mr. GONZALEZ.  
H.R. 3020: Mr. TEAGUE.  
H.R. 3025: Mr. BLUMENAUER.  
H.R. 3077: Mr. GUTIERREZ, Mr. STARK, and Ms. HIRONO.  
H.R. 3093: Mr. PETERSON.  
H.R. 3099: Ms. SHEA-PORTER.  
H.R. 3101: Mr. ROTHMAN of New Jersey, Mr. PETERSON, Ms. MCCOLLUM, and Mr. CLEAVER.  
H.R. 3105: Mr. ROHRBACHER.  
H.R. 3153: Mr. KAGEN.  
H.R. 3185: Mr. FRANK of Massachusetts.  
H.R. 3227: Mr. McDERMOTT.  
H.R. 3259: Mr. DICKS, Mr. GALLEGLY, and Mr. PASTOR of Arizona.  
H.R. 3287: Ms. BALDWIN.  
H.R. 3308: Mr. TURNER.  
H.R. 3359: Mr. McNERNEY and Ms. ZOE LOFGREN of California.  
H.R. 3381: Mr. POLIS of Colorado.  
H.R. 3407: Mr. TIM MURPHY of Pennsylvania.  
H.R. 3421: Mr. LEWIS of Georgia, Ms. HIRONO, and Ms. KILPATRICK of Michigan.  
H.R. 3455: Mr. THOMPSON of Mississippi.  
H.R. 3457: Mr. HILL.  
H.R. 3458: Mr. FRANK of Massachusetts and Ms. EDWARDS of Maryland.  
H.R. 3464: Mr. SNYDER and Mr. SCHOCK.  
H.R. 3474: Mr. KILDEE, Ms. LEE of California, Mr. KENNEDY, Mr. PAYNE, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.  
H.R. 3477: Mr. MANZULLO.  
H.R. 3524: Mr. REHBERG, Mr. ELLSWORTH, and Mr. GRIFFITH.  
H.R. 3554: Mr. McNERNEY.  
H.R. 3564: Mr. SERRANO.  
H.R. 3578: Mr. DELAHUNT, Mr. GORDON of Tennessee, and Ms. SHEA-PORTER.  
H.R. 3646: Mr. McNERNEY.  
H.R. 3654: Mr. GENE GREEN of Texas and Mr. FALCOMA-VAEGA.

H.R. 3656: Mr. WOLF.  
H.R. 3668: Mr. PETERSON, Mr. ROE of Tennessee, and Mr. TEAGUE.  
H.R. 3671: Mr. JACKSON of Illinois.  
H.R. 3691: Mr. MANZULLO.  
H.R. 3692: Ms. TITUS.  
H.R. 3695: Mrs. MALONEY, Mr. McCOTTER, Mr. HINCHEY, and Ms. NORTON.  
H.R. 3705: Mr. GRAYSON, Ms. CASTOR of Florida, Ms. WATSON, Mr. WELCH, Mr. CARNAHAN, and Mr. STARK.  
H.R. 3712: Mr. PRICE of North Carolina and Mr. LANCE.  
H.R. 3745: Ms. WOOLSEY.  
H.R. 3758: Mr. MANZULLO, Mr. MOORE of Kansas, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. LOEBSACK, Mr. ALEXANDER, Mr. ROGERS of Michigan, and Mr. MORAN of Kansas.  
H.R. 3905: Mr. SPACE, Ms. TITUS, Mrs. HALVORSON, Mr. PUTNAM, Mr. MINNICK, Mr. RUPPERSBERGER, and Mr. TERRY.  
H.R. 3926: Mr. SNYDER.  
H.R. 3930: Mr. DELAHUNT.  
H.R. 3942: Mr. BOOZMAN.  
H.R. 3957: Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. CUMMINGS, and Ms. SHEA-PORTER.  
H.R. 3986: Mr. STARK and Mr. GRIJALVA.  
H.R. 4000: Mr. DAVIS of Illinois.  
H.R. 4053: Ms. FUDGE.  
H.R. 4058: Mr. McNERNEY.  
H.R. 4067: Mr. THORNBERRY, Ms. MARKEY of Colorado, and Ms. KOSMAS.  
H.R. 4085: Mr. KILDEE, Mr. EHLERS, and Mrs. MILLER of Michigan.  
H.R. 4092: Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. CLARKE, and Mr. JACKSON of Illinois.  
H.R. 4099: Mr. CARNAHAN.  
H.R. 4100: Mr. AUSTRIA, Mr. HARPER, Mr. PITTS, Mr. LATTA, Mrs. SCHMIDT, Ms. FALLIN, Mr. AKIN, Mr. BILBRAY, Mr. CULBERSON, and Mr. WITTMAN.  
H.R. 4103: Mr. BOOZMAN.  
H.R. 4114: Ms. WOOLSEY.  
H.R. 4116: Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. DELAURO, Mr. GRIJALVA, Mr. INSLEE, Ms. HIRONO, Mr. CAO, Mr. MCGOVERN, Mr. MOORE of Kansas, and Ms. BERKLEY.  
H.R. 4117: Mr. CARNEY.  
H.R. 4120: Mr. SOUDER.  
H.R. 4127: Mr. KLINE of Minnesota.  
H.R. 4131: Mr. MASSA, Ms. JACKSON-LEE of Texas, and Mrs. CAPPS.  
H.R. 4135: Mr. BISHOP of New Jersey and Mr. CARSON of Indiana.  
H.R. 4140: Mr. SERRANO.  
H.R. 4148: Mr. FATTAH and Ms. DELAURO.  
H.R. 4154: Mr. ETHERIDGE, Mr. MICHAUD, Mr. COOPER, Mr. BERRY, Mr. MELANCON, Mr. MOORE of Kansas, Mr. HILL, Ms. HERSETH SANDLIN, Mr. BOSWELL, Mrs. DAHLKEMPER, and Mr. TANNER.  
H.R. 4160: Mr. MORAN of Virginia and Mr. POLIS of Colorado.  
H.R. 4161: Mr. MORAN of Virginia and Mr. POLIS of Colorado.  
H.R. 4163: Mr. MCGOVERN.  
H.R. 4168: Mr. DREIER, Mr. GRIJALVA, and Mr. LUJAN.  
H.J. Res. 50: Mr. MORAN of Kansas.  
H.J. Res. 61: Ms. SLAUGHTER.  
H. Con. Res. 16: Mr. SHULER.  
H. Con. Res. 169: Mr. AUSTRIA.  
H. Con. Res. 193: Mr. CONAWAY, Mr. SMITH of Texas, Ms. GRANGER, Ms. MARKEY of Colorado, Mr. OLSON, and Mr. CULBERSON.  
H. Con. Res. 197: Mr. SCALISE.  
H. Res. 35: Mr. BOSWELL, Mr. BERRY, Mr. MOORE of Kansas, Mr. TAYLOR, Mr.

LOEBSACK, Mr. EDWARDS of Texas, Mr. ROYCE, Mr. MELANCON, Mr. BOREN, and Mr. LIPINSKI.  
H. Res. 55: Mr. BLUNT.  
H. Res. 588: Mr. WEINER.  
H. Res. 615: Mr. WOLF and Mr. PUTNAM.  
H. Res. 704: Mr. PITTS, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. GORDON of Tennessee, Mr. PAYNE, Mr. DREIER, Mr. GOHMERT, Mr. PENCE, Mr. LEWIS of California, Mr. OLVER, Mr. PLATTS, Mr. ALEXANDER, Mr. COOPER, Mr. CONAWAY, Mr. CARTER, Mr. YOUNG of Florida, and Mr. WAXMAN.  
H. Res. 771: Mr. NADLER of New York.  
H. Res. 776: Mr. FOSTER, Mr. MOORE of Kansas, Mr. SCOTT of Georgia, Mr. CARNAHAN, Ms. HERSETH SANDLIN, and Mr. MATHESON.  
H. Res. 779: Ms. JENKINS, Mr. KIRK, and Mr. ROSKAM.  
H. Res. 812: Mr. CONAWAY, Mr. COURTNEY, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. ELLSWORTH, Mr. KIRK, Mr. WITTMAN, Mr. ANDREWS, Mr. PLATTS, Mr. THORNBERRY, Mr. GARRETT of New Jersey, Mr. BRIGHT, Mr. LINDER, Mrs. MILLER of Michigan, Mr. HALL of Texas, Mr. CAO, Mr. McKEON, Mr. BUCHANAN, Mrs. BACHMANN, Mr. POSEY, Mr. CALVERT, Mr. THOMPSON of Pennsylvania, and Mr. KING of New York.  
H. Res. 852: Mr. LUCAS, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. SOUDER, Mr. FLEMING, Mr. GOHMERT, Mr. KINGSTON, Mr. CARTER, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. MANZULLO, Mrs. LUMMIS, Mr. TURNER, Mr. CASSIDY, Mr. COBLE, and Mrs. McMORRIS RODGERS.  
H. Res. 862: Ms. BEAN, Mr. KIRK, Mr. SCHOCK, Mr. EHLERS, and Mr. BLUMENAUER.  
H. Res. 888: Mr. KIRK, Mr. SMITH of New Jersey, and Mr. LOBIONDO.  
H. Res. 901: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CONYERS, and Mr. QUIGLEY.  
H. Res. 902: Mr. PRICE of North Carolina.  
H. Res. 911: Ms. GINNY BROWN-WAITE of Florida, Mr. OLSON, Mr. SMITH of Nebraska, Mr. BARTON of Texas, Mr. BARTLETT, Mr. PETRI, Mr. WALDEN, Mr. GERLACH, Mr. LATOURETTE, Mr. SOUDER, and Mrs. EMERSON.  
H. Res. 915: Mr. VISCLOSKEY.  
H. Res. 934: Mr. KAGEN.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RANGEL

H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers and Small Businesses Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. WILSON of South Carolina and Mr. POE of Texas.